

## OHIO.

J. A. Donnelly to be postmaster at New Lexington, in the county of Perry and State of Ohio.

James A. Downs to be postmaster at Scio, in the county of Harrison and State of Ohio.

Homer S. Kent to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio.

Charles T. La Cost to be postmaster at Bryan, in the county of Williams and State of Ohio.

## WISCONSIN.

George H. Dodge to be postmaster at Arcadia, in the county of Trempealeau and State of Wisconsin.

Frank H. Marshall to be postmaster at Kilbourn, in the county of Columbia and State of Wisconsin.

Albert H. Tarnutzer to be postmaster at Prairie du Sac, in the county of Sauk and State of Wisconsin.

Earl S. Welch to be postmaster at Eau Claire, in the county of Eau Claire and State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 12, 1907.

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that our Republic holds in grateful memory all who have contributed to its life and perpetuity, especially that host of illustrious men "who have breathed their spirits into its institutions" and made it great and glorious; that to-day the hearts of eighty millions will beat with patriotic pride and take the name of Abraham Lincoln upon reverent lips and vie with each other in telling the story of his marvelous life and achievements. Out of obscurity Thou didst lead him to be the savior of his people. "With malice toward none and charity for all" he died a martyr to liberty and freedom. God grant that we may keep his memory sacred to our hearts and honor ourselves by following his example in American citizenship. In the spirit of the Lord Jesus Christ, Amen.

The Journal of the proceedings of yesterday was read and approved.

## JAPANESE SCHOOLS.

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks upon the Japanese schools.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend remarks in the RECORD upon the subject indicated. Is there objection?

There was no objection.

## UNITED STATES JUDGE NORTHERN JUDICIAL DISTRICT OF ALABAMA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24887) providing for a United States judge for the northern district of Alabama.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the northern judicial district of Alabama, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall possess the same powers and perform the same duties within the said northern judicial district of Alabama as are now possessed by and performed by the district judge of the United States in any of the judicial districts established by law, and he shall receive the same compensation now or hereafter prescribed by law in respect to other district judges of the United States: *And provided*, That the judge appointed under this act shall reside at Birmingham, in said district.

Mr. CLAYTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

On page 2, line 2, after the words "provided, That," insert the words "after appointment."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. CLAYTON. I move that the title be amended by inserting, after the word "northern," the word "judicial."

The amendment was agreed to.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLAYTON. Mr. Speaker, I thank the House for the action just taken. This bill presents a most meritorious case. The facts are stated in the report, which I prepared and presented. I here insert it in the RECORD. It is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 24887) providing for a United States judge for the northern judicial district of Alabama, having had the same under consideration, report it back with the recommendation that the bill do pass.

At present there is only one judge for both the northern and middle judicial districts of Alabama, and he resides at Montgomery, in the middle district.

It is impossible for one judge to do the work of both districts.

The terms of the circuit and district courts in the northern district of Alabama are held as follows:

Huntsville: April and October; duration of term, two months.

Anniston: May and November; duration of term, two months.

Tuscaloosa: January and June; duration of term, three weeks.

Birmingham: March and September; duration of term, six months.

Total, about eleven months.

In the middle district circuit and district courts are held at Montgomery in accordance with the special statute in May and December, and the session of the district court is also held there the first Monday in each month. Besides, special terms of the courts have been held there at different intervals from time to time. The minimum requirement for holding the district and circuit courts by the present judge in the northern and middle judicial districts aggregates about thirteen months in each year. In the southern district, where there is a judge residing at Mobile, court is in session about five months in each year. In addition to the terms of the court there the judge has much work to do in chambers at all times, as there is a very considerable admiralty business done at that port. Besides, this judge holds court twice a year at Selma, Ala., in his district, and is frequently called to serve on the circuit court of appeals at New Orleans. All his time is now occupied.

Circuit Judge Shelby has held the circuit court at Huntsville since May, 1905. Judge Boorman, of Louisiana, held the district court there last year. Judge Toulmin, of the southern district, has held all the terms of court at Anniston. The judge of the northern and middle district, Judge Jones, held the court at Tuscaloosa in May, 1906. The business at Huntsville, Tuscaloosa, and Anniston is fairly well up to date.

For many years district judges from neighboring States have been called in to assist in the northern district of Alabama, but such assistance as these judges have been able to give has not been sufficient to dispose of the business or to relieve the congested condition of the dockets.

At Birmingham the business of the United States courts is about three years behind. There are about 300 civil cases on the docket there. It takes nearly three years to get a civil case to trial at Birmingham. That city is the center of large coal-mining, iron-mining, and manufacturing industries. The commerce and tonnage there is greater than at any other point in the entire South. There are fourteen railroads and two more are being built. Many civil suits are brought there against foreign corporations, and these suits are, at the instance of the attorneys for these corporations, generally removed to the Federal courts.

At the last session of Congress an act was passed requiring the court at Birmingham to be held six months in each year. It has been impossible for the present judge to strictly comply with this law, and it is obvious that this act has not afforded the desired relief. During the year ending June 30, 1906, circuit and district courts were held at the different places in the northern district as follows:

| Huntsville:   | Days. |
|---|-------|
| By Circuit Judge Shelby.....                                  | 21    |
| By Judge Boorman, of Louisiana.....                           | 55    |
|   | 76    |
| Anniston: Judge Toulmin, of southern district of Alabama..... | 25    |
| Birmingham:   |       |
| Judge Jones.....  | 65    |
| Judge Toulmin.....  | 27    |
|   | 92    |
| Tuscaloosa: Judge Jones.....                                  | 7     |
| Total.....  | 200   |

It is understood, of course, that this shows only a fraction of the work performed by the present judge. It is an ascertained fact that besides holding courts at Montgomery he holds court for the northern district at chambers in Montgomery many days each month. Indeed, when he is at Montgomery he transacts more or less business for the northern district—that is, the Birmingham district—every day, such as orders in bankruptcy cases, hearing and deciding cases in equity, etc. On June 30, 1906, there were pending in the northern district of Alabama 504 criminal and civil cases, all of them said to be live cases. Besides, there were pending there at the same time 349 bankruptcy cases. At the same time there were pending 230 criminal and civil cases at Montgomery, most of them live cases. Besides, there were pending at Montgomery at the same time 302 bankruptcy cases.

The Department of Justice recently made a very thorough examination of the conditions in Alabama and elsewhere in nine cases in which bills were introduced into Congress for additional judges. This investigation showed the necessity for four more district judges, one of them for the northern district of Alabama.

For several years past the condition of the business in the United States courts in the northern district of Alabama has presented an urgent case for relief. Several bills have been proposed. I introduced one for an additional judge of the middle and northern districts. That bill did not meet with the favor of the committee nor with the approval of the Department of Justice. Besides, one of my colleagues has always opposed it, upon the ground that a separate judge for the northern judicial district of Alabama was what was needed—that district now having no separate judge—and not an additional judge for the two districts.

He has informed me that he would object to the consideration of any bill except one in present form—that is to say, the bill which has just been read at the Clerk's desk, and which I also introduced. Of course the objection of any one Member would have defeated the passage of this bill. Whatever may have been my preference as to the details of the matter, I did not succeed in getting the approval of the committee or the Department of Justice, or the cooperation of all of my colleagues from Alabama, for any measure except the bill which has just passed.

During the present Congress the Department of Justice has

recommended the appointment of four additional judges. One for Alabama, one for Nebraska, one for Ohio, and one for California. The House has recently passed bills authorizing an additional judge in each of the States of Ohio and California and in the Territory of Arizona.

The Department of Justice, in reply to my letter to the Attorney-General, has sent me the following letter:

DEPARTMENT OF JUSTICE,  
Washington, February 9, 1907.

Hon. HENRY D. CLAYTON,  
Committee on the Judiciary, House of Representatives.

SIR: The Department is in receipt of your letter of the 9th instant, inclosing H. R. 24887, providing for a United States judge for the northern district of Alabama, and report thereon from the Committee on the Judiciary.

I have the honor to say that this Department recently made an investigation as to the necessity for a United States judge for the northern district of Alabama, and that the facts contained in the committee's report which you inclose are in accord with the result of such investigation.

Respectfully,

H. M. HOYT,  
Acting Attorney-General.

I have received the following telegram:

BIRMINGHAM, ALA., February 9, 1907.

Hon. HENRY D. CLAYTON, M. C.,  
Washington, D. C.:

At a Jefferson County bar meeting this day held it was unanimously resolved that the bar of this county heartily favor the Clayton bill, providing a separate judge for the northern district of Alabama, and we were instructed to wire this to the Senators and Representatives of Alabama and the chairman of the Judiciary Committee, and to urge the passage of said bill at this session of Congress in preference to any other. Please communicate this to them.

FRANK S. WHITE, Chairman,  
A. O. LANE,  
C. P. BEDDOW,  
R. N. BELL,  
Committee.

#### BRIDGE ACROSS MISSOURI RIVER.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 1 of the act entitled "An act to amend an act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, be, and the same is hereby, so amended as to read as follows:

"Sec. 3. That the construction of the bridge authorized to be constructed by the act approved March 3, 1887, hereinbefore named, and of which this act is amendatory, shall begin within one year from March 19, 1907, and be completed within two years thereafter, and unless these conditions are complied with this act and the acts of which it is amendatory shall be null and void.

"Sec. 2. That the Congress reserves the right to change, alter, amend, or revise this act and the acts of which it is amendatory at any time."

With the following amendments:

Page 2, lines 1 and 2, after the word "year," insert the words "and be completed within three years."

Page 3, after the word "seven," strike out the words "and be completed within two years thereafter."

At the end of section 1 insert the following:

"Provided, That such beginning of construction within said period of one year shall relate to the superstructure of said bridge above the piers heretofore constructed in the Missouri River in pursuance of the act of which this act is amendatory: And provided further, That in all matters and particulars not expressly provided for in the act of which this act is amendatory the construction, control, and use of such bridge shall be governed by the act of Congress approved March 23, 1906, entitled 'An act to regulate the construction of bridges over navigable waters.'"

The SPEAKER. Is there objection?

Mr. RUCKER. Mr. Speaker, reserving the right to object, I desire to ask the gentleman a question. Is there not a good deal of objection to this bill both in Clay County and Jackson County?

Mr. ELLIS. There has been some objection, but the matter has been thoroughly thrashed out before the committee, and the amendments virtually satisfy everybody.

Mr. RUCKER. The gentleman says the amendments do satisfy those who oppose it?

Mr. ELLIS. Yes.

The SPEAKER. The Chair hears no objection. The question is on the amendment.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ELLIS, a motion to reconsider the last vote was laid on the table.

#### TRANSFER OF SCHOOL FUNDS TO SOUTH CAROLINA.

Mr. PATTERSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 8065) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State, and to consider the same at this time.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the bill which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That the sum of \$50,450, heretofore invested in United States registered 4 per cent bonds of the funded loan of 1907, and the sum of \$40, invested in United States registered 3 per cent bonds of the loan of 1908 to 1918, an aggregate of \$50,490, invested by the Secretary of the Treasury under the provisions of the act of Congress of March 3, 1873 (17 Stats., p. 600), as a fund for the use and support of free public schools in the parishes of St. Helena and St. Luke, South Carolina, the interest on which is applied to the support of said schools, shall, on the 1st day of July, 1907, be paid over to the State of South Carolina, which State shall set apart said sum as a separate interest-bearing trust fund and administer the same in such manner as it may elect for the benefit of free public schools in the parishes of St. Helena and St. Luke, in said State, as provided in the act of Congress approved March 3, 1873.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I desire to have inserted in the Record the following letter relating to the bill.

The SPEAKER. Without objection, the letter may go in the Record.

There was no objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,  
BUREAU OF EDUCATION,  
Washington, February 9, 1907.

Hon. JAMES R. MANN,  
House of Representatives, United States,  
Washington, D. C.

MY DEAR Mr. MANN: Replying to your inquiry by telephone, with reference to Senate bill 8065, to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State, I beg to submit the following statement:

It appears from the acts relating to the funds in question, namely, Chapter CC, Statutes at Large, Volume XIV, passed July 16, 1866; Chapter CCCXXXVII, Statutes at Large, Volume XVII, approved June 8, 1872, and Chapter CCLX of the same, approved March 3, 1873, that these funds arose from the sale of "school farm lands" in the parishes of St. Helena and St. Luke, South Carolina, such school farm lands having been reserved for school purposes from certain lands which came into the hands of the General Government through failure of the owners to pay the direct tax imposed in the year 1862. The act of March 3, 1873, provided that such funds should be turned over to the Secretary of the Treasury and invested by said Secretary in bonds of the United States to be by him retained as a fund for the use and support of free public schools in the parishes of St. Helena and St. Luke in equal parts, the interest of which shall annually be expended by a special board of three commissioners to be appointed by and act under the direction of the Secretary of the Treasury and removable at his discretion, to increase the efficiency of any free public schools established and sustained in said parishes by the authority of said State if such school shall exist, otherwise at the discretion of said commissioners.

I have thus far been unable to find any report or record of the proceedings of these commissioners or of the use which they have made of these funds. I am informed by the Treasury Department that no such report or record is known in that Department. I have caused the reports of the education department of the State of South Carolina to be examined and find in them no reference to these funds, except that in the fifteenth annual report of the State superintendent of education, 1883, there appears in the statement of Thomas H. Wheeler, school commissioner of Beaufort County, the following words: "The districts in St. Luke and St. Helena parishes received aid from the United States Government." No information concerning these funds is to be found in the publications of the Bureau of Education. The names of the special commissioners appear in the latest Official Register of the United States, Volume I, page 294. They are D. W. Bythewood, E. J. Ravenah, and Thomas G. White, all of Beaufort, S. C., each of whom receives compensation to the amount of \$50 a year. I am informed that Mr. Bythewood acts as special disbursing officer of the Treasury Department in this matter.

Referring to the question whether it is desirable that these funds be turned over to the State of South Carolina in trust for the purposes for which they are intended, in the absence of definite information concerning the actual disposition of the funds I can only offer such suggestion as grows out of the past practice of the United States Government in its relations with the school systems of the several States. Such assistance as has been extended by the National Government to the several States for educational purposes has been generally in the form of public lands or of funds derived from the sale of such lands.

The earliest grant was made to Ohio in 1802, where section No. 16 in every township was granted "to the inhabitants of such township for the use of schools."

In Illinois the grant was "made to the State for the use of the inhabitants of such township for the use of schools."

Beginning with the State of Michigan, the lands were granted to the State for the use of schools.

The lands granted for the establishment of universities were likewise conveyed to the several States. This is true also of the lands granted under an act of Congress approved July 2, 1862, for the establishment of colleges of agriculture and the mechanic arts.

Likewise in the act of Congress approved February 22, 1889 (the enabling act for the States of North Dakota, South Dakota, Montana, and Washington), it was provided that 5 per cent of the net pro-



ceeds of the sales of public lands "shall be paid to the said States to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively."

These provisions show that it has been the policy of the General Government to grant lands and funds for educational purposes to the several States, and to vest in such States the management of the funds, including those derived from the sale of school lands.

The case presented by the school farm lands of South Carolina, with which Senate bill 8065 deals, is not altogether parallel with those mentioned above. The origin of the funds was different, and those funds have hitherto been administered by the Treasury Department of the General Government. It does not appear, however, that the intent of the grant was essentially different from that of the several grants referred to above. The act of July 16, 1866, provided that "the proceeds of said sales, after paying expenses of the surveys and sales, shall be invested in United States bonds, the interest of which shall be appropriated \* \* \* to the support of schools, without distinction of color or race, on the islands in the parishes of St. Helena and St. Luke." The act of March 3, 1873, provides that the interest on the bonds purchased with these funds "shall annually be expended to increase the efficiency of any free public schools established and sustained in said parishes by authority of said State, if such schools shall exist, otherwise at the discretion of the commissioners hereinafter named." It is clear from the provisions of the act last named that these funds are intended to supplement the provisions of the public school system of the State so far as these two parishes are concerned, and only in default of public schools may they be devoted to the support of other schools.

In view of these facts, it seems to me that Senate bill 8065, in providing for the transfer to the State of South Carolina of the funds derived from the sale of the lands in question, to be held in trust for the support of the common schools of the State in the two parishes named, is in accord with the established and well-nigh universal practice of the General Government in dealing with educational grants for the benefit of the several States.

I have the honor to be,  
Very respectfully,

ELMER ELLSWORTH BROWN,  
Commissioner.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

Mr. PATTERSON of South Carolina. Mr. Speaker, I ask unanimous consent that a similar House bill, H. R. 25056, on the House Calendar do lie upon the table.

The SPEAKER. Is there objection?

There was no objection; and it was so ordered.

#### CALIFORNIA DÉBRIS COMMISSION.

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13367) to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate mining in the State of California," is hereby amended so as to read as follows:

"SEC. 13. That in case a majority of the members of said Commission, within thirty days after the time so fixed, concur in the decision in favor of the petitioner or petitioners, the said Commission shall thereupon make an order directing the methods and specifying in detail the manner in which operations shall proceed in such mine or mines; what restraining or impounding works, if any, if facilities therefor can be found, shall be built and maintained; how and of what material; where to be located; and in general set forth such further requirements and safeguards as will protect the public interests and prevent injury to the said navigable rivers and the lands adjacent thereto, with such further conditions and limitations as will observe all the provisions of this act in relation to the working thereof and the payment of taxes on the gross proceeds of the same: *Provided*, That all expense incurred in complying with said order shall be borne by the owner or owners of such mine or mines: *And provided further*, That where it shall appear to said Commission that hydraulic mining may be carried on without injury to the navigation of said navigable rivers and the lands adjacent thereto, an order may be made authorizing such mining to be carried on without requiring the construction of any restraining or impounding works or any settling reservoirs: *And provided also*, That where such an order is made a license to mine no taxes provided for herein on the gross proceeds of such mining operations shall be collected."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to explain the change in the law.

Mr. MANN. What committee reported the bill?

Mr. ENGLEBRIGHT. The Committee on Mines and Mining has unanimously reported the bill. It is a bill introduced by my predecessor, Mr. Gillett, and the only change in the law is the clause at the end of the section from the words "And provided further," and is covered in the latter part of the report of the committee:

The purpose of the present bill is to authorize and empower the California Débris Commission to order that hydraulic mining may be carried on without first going to a needless expense of building dams, barriers, etc., where the same can be done without injuring the navigability of the rivers or lands lying adjacent thereto.

It leaves the whole matter in the hands of the Commission, as it always has—only gives them discretion in the matter of some small mines lying back in the mountains where mining could be done without injury to the rivers.

Mr. STEPHENS of Texas. I would like to ask the gentleman if this is a local measure?

Mr. ENGLEBRIGHT. It is entirely local to California, and the entire California delegation is satisfied with it.

Mr. MANN. Is this a matter that has been considered in any way at all by the Committee on Rivers and Harbors?

Mr. ENGLEBRIGHT. I do not know.

Mr. MANN. There has been considerable complaint out there about the Commission and its work in reference to filling up at least one of the rivers. That has been before our committee a number of times.

Mr. ENGLEBRIGHT. Well, this bill would not interfere in any manner with that state of affairs. It merely gives this Commission discretion in certain places. There are mines where it is not necessary to construct any restraining works at all, yet under the act it is absolutely necessary to construct works whether they are needed or not, as the Commission absolutely has no discretion to order or give such permits.

Mr. MANN. Have you not had a lot of litigation out there?

Mr. ENGLEBRIGHT. There has been a large amount of litigation. It is a matter which in years past attracted the attention of Congress, and resulted in the passage of the act providing for the California Débris Commission, under which all hydraulic mining has to be done. A man desiring to do any hydraulic mining must at first make an application to this Commission for a permit to do so. After making the application, it is advertised, allowing anyone to come before the Commission in regard to the subject, and then the Commission, if they deem it proper, will allow works to be constructed, and after the works are constructed they give a permit. This little clause added to one section of the bill gives this Commission authority to allow work to be performed when it is not necessary to construct any works.

Mr. MANN. Does it affect in any way this litigation?

Mr. ENGLEBRIGHT. No, it does not affect the litigation at all.

The SPEAKER. The Chair hears no objection. Will the gentleman indicate his amendment?

Mr. ENGLEBRIGHT. In line 17, page 2, change the spelling of the word "provided."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the typographical error in line 17, page 2, making the word "provided."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### SALE OF CERTAIN TIMBER ON MENOMINEE INDIAN RESERVATION, WIS.

Mr. BROWN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24043) to authorize the sale of timber on certain of the land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, the blown-down timber and the standing merchantable timber on the sections containing blown-down timber in the north half of township No. 29, range No. 13 east; the north half of township No. 29, range No. 14 east, and in the south half of township No. 30, range No. 13 east, on the Menominee Indian Reservation in Wisconsin, as herein provided, such sale to be in addition to the amount authorized to be sold annually by the act of June 12, 1890 (26 Stat. L., p. 146).

SEC. 2. That the timber shall be sold on stumpage, the sale to be confined to the sections containing blown-down timber, to the highest bidder or bidders, for cash, after due advertisement inviting proposals, in such manner and at such time and place as the Secretary may direct. And the Secretary shall appoint a competent man, who shall be a practical logger, to superintend the marking and cutting of the timber and the scaling of the logs, the timber to be paid for according to the Government scale, no sale, however, to be valid until approved by said Secretary. The compensation of the superintendent and scalers shall be fixed by the Secretary.

SEC. 3. That from the net proceeds of sales of said Menominee timber shall be deducted one-fifth part, which shall be deposited in the Treasury of the United States to the credit of the Menominee Indians in Wisconsin, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be funded in the United States Treasury, interest on which shall be allowed said tribe annually at the rate of 3 per cent per annum, to be paid to the tribe per capita, or expended for their benefit under the direction of the Secretary of the Interior.

SEC. 4. That all acts or parts of acts inconsistent with this act are hereby repealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BROWN, a motion to reconsider the last vote was laid on the table.

RELIEF OF HOMESTEAD AND OTHER ENTRYMEN PAYING EXCESS LEGAL FEES, ETC.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22588) for the relief of homestead and other entrymen who have been required to pay more than the legal fees, commissions, excesses, and purchase money.

Be it enacted, etc., That section 2 of the act of June 16, 1880 (21 Stat., p. 287), be amended to read as follows:

"Sec. 2. That in all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have been improperly charged the double-minimum price for minimum lands, or where they have been required to pay more than the lawful fees, commissions, excesses, or purchase money, the excess shall in like manner be repaid to the entryman or to his heirs or legal representatives."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what is the extent of the changes this makes in existing law?

Mr. MARTIN. Mr. Speaker, in 1825 the first statute was passed, and it provided for the return of the purchase money in cases where entries had been erroneously allowed. That was amended in 1880, so that the purchase money or excess might be returned where the double minimum price had been by mistake charged for minimum price land. That is the law at the present time governing both of these propositions. There is still a class of cases where mistakes have been made not covered by law, such as, for example, where a land officer has by mistake of the law taken more than the legal price under the statute. There are instances where Indian reservations have been opened and prices have been fixed; for instance, \$1.25 an acre for land entered within a certain period, 75 cents or \$1 an acre for land entered in another period, and the officer has received the \$1.25 price for lands where 75 cents or \$1 should have been received under the law. Under the administration of the Land Department, carrying on so large a business as it does, mistakes will necessarily arise, and this bill has been prepared in the Department for the purpose of meeting those cases.

Mr. PAYNE. I would like to ask the gentleman if this does not involve a large amount of money?

Mr. MARTIN. I think not.

Mr. PAYNE. I have been informed it does.

Mr. MARTIN. Of course, mistakes of this kind have been made, but the class of cases not now reached by the law is limited, and would not cover a very large amount of money.

Mr. PAYNE. Mr. Speaker, I think for the present I shall have to object.

Mr. LACEY. I trust the gentleman from New York will not—

Mr. MARTIN. I yield to the gentleman from Iowa [Mr. LACEY] for a moment.

Mr. LACEY. I would suggest to my friend that while it does involve a considerable amount of money, it does not involve any of the Government's money. The Government has got somebody else's money by mistake.

Mr. MANN. That is the case with everything.

Mr. LACEY. Oh, no; not at all. It only occasionally occurs, and they want to get rid of it. Instead of having it come in here each time to the Committee on Claims it is to allow them to adjust these matters and pay back wherever they have taken money that does not belong to them.

Mr. STEPHENS of Texas. Does the gentleman yield to a question?

Mr. LACEY. Certainly.

Mr. STEPHENS of Texas. As I understand the law now, the minimum is \$1.25 an acre, and the double minimum is \$2.50 an acre. Is that correct?

Mr. LACEY. That is railroad land.

Mr. MARTIN. I would say this is already covered by the law. The law now specifically, by the act of 1880, returns the excess always where the double minimum price has been taken for a minimum land. It does not—

Mr. MANN. Does the gentleman yield for a question?

Mr. MARTIN. Certainly.

Mr. MANN. Is it not a fact that there has been a good deal of suspicion created at times, with reference to the existing law, about the return of money paid on desert-land claims and other entries of that sort?

Mr. MARTIN. I am not aware of it if any suspicion of that kind ever existed.

Mr. MANN. I will be glad, then, to give the gentleman some evidence on the subject.

Mr. MARTIN. I think, Mr. Speaker, as the gentleman from New York has suggested, it is a matter that may involve the payment of some money, but whatever may be said along that line it certainly does not involve the payment of any money that the Government rightfully holds. The same rule between private individuals will compel an individual to return what he has received purely by mistake; and so every time a case of this kind gets into the Court of Claims invariably, upon the facts that would be reached by this law, the Government has to return it at the end of litigation in the Court of Claims, and after taking of time and the expenditure of money on behalf of the Government. For all entries now that are erroneously made, where the party does not get the land, the Department adjusts the claim and returns the money. In all cases where double minimum price is charged for minimum land they adjust the claim of excess and return the money. But in other cases, where by mistake they have received more than the lawful price for lands, there is no law now authorizing the return.

Mr. MANN. Is not this the statute now?

Mr. PAYNE. Mr. Speaker, I think we had better insist upon the objection.

The SPEAKER. The gentleman from New York [Mr. PAYNE] objects.

COLUMBIA INDIAN RESERVATION LANDS.

Mr. JONES of Washington. Mr. Speaker, I ask for the present consideration of the bill H. R. 25550.

The SPEAKER. The gentleman from Washington asks consideration of a bill H. R. 25550, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 25550) confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

Be it enacted, etc., That all lands in the former Columbia Indian Reservation, in the State of Washington, which are embraced in entries heretofore allowed under section 2306 of the Revised Statutes of the United States, or which are embraced in any application to make entry under said section 2306, which were presented before the lands covered by such application were withdrawn under the reclamation act, are hereby declared to be subject to such entries, and applications and entries shall be allowed and patents shall be issued thereunder in the same manner and upon the same conditions under which entries are allowed and patents are issued under said section 2306 for other public lands of the United States, and all patents heretofore issued under such entries are hereby confirmed.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish the gentleman would tell us what the bill does.

Mr. JONES of Washington. Mr. Speaker, in 1884 we passed an act declaring all lands formerly known as the "Columbia Indian Reservation" to be opened to homestead entry, and under the practice of the Department we accepted soldiers' additional homesteads for several years, and several claims went to a patent, and several applications were pending when they decided that these lands under the terms of that act were not subject to a soldier's additional homestead application and entry, and therefore they held them up. The land involved consists of about a thousand acres. Several parties have gone in and have made very valuable improvements, and the object of this bill is simply to confirm those applications and entries made under the practice of the Department, and this bill was prepared by the Department itself to cover that matter.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN LANDS TO BUFFALO, WYO.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23324).

The bill was read, as follows:

A bill (H. R. 23324) authorizing the sale of certain lands to the city of Buffalo, Wyo.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell to the city of Buffalo, Johnson County, Wyo.,



for the sum of \$1.25 an acre, for use as a public park and fair grounds, the following described lands: The southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter of section 27 and the northeast quarter of the northwest quarter, and lot 5 of section 34, in township 51 north of range 82 west of the sixth principal meridian.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out the words "the southwest quarter of the southeast quarter" and insert in lieu thereof the words "lot twelve."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ALLOTMENT OF LANDS TO INDIANS OF LA POINTE INDIAN RESERVATION, WIS.

Mr. BROWN. Mr. Speaker, I call up the Senate bill 2787, and ask unanimous consent for its present consideration.

The Clerk read as follows:

A bill (S. 2787) to amend the act of Congress approved February 11, 1901, entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin."

*Be it enacted, etc.,* That the act of Congress approved February 11, 1901 (31 Stat., p. 766), entitled "An act providing for allotments of lands in severalty to the Indians of the La Pointe or Bad River Reservation, in the State of Wisconsin," shall not be construed so as to bar or in any manner abridge or curtail the right of any Indian to allotment on said reservation as provided by the treaty concluded with the Chippewas of Lake Superior and the Mississippi September 30, 1854.

The amendment recommended by the committee was read, as follows:

Amend by inserting after the word "reservation," in line 9, the words "whether born before or after the passage of said act."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I think we ought to know what the bill is.

Mr. BROWN. Mr. Speaker, for the information of the House and the gentleman from Illinois, I will say that this bill is a Department bill, and was introduced for the purpose of correcting an injustice under the allotment act of February 11, 1901. In that law there was a clause that confines the allotment to the Indians living, resident, and entitled to reside on the La Pointe or Bad River Indian Reservation.

I will refer to what the Secretary of the Interior and the Commissioner of Indian Affairs say of this bill and the necessity for it. In a communication from the Secretary of the Interior to the chairman of the Committee on Indian Affairs he states as follows:

The object of the amendment, as set forth in the Commissioner's report, is to authorize allotments on the reservation to full-blood nonresident Indians, who by the terms of the act of February 11, 1901, and the decision of the Department of June 8, 1905, have been barred from receiving such allotments.

In addition, I will read to you a letter from Commissioner Leupp, dated December 4, 1905, to the Secretary:

The question presented was whether these nonresidents should be allotted, as they were entitled under the treaty, or did the act of February 11, 1901, bar such rights? Under date of June 8, 1905, the Department decided that the act of February 11, 1901, confined the right of allotment to "each Indian now living and residing on said reservation and entitled to so reside," and therefore the full-blood nonresident members were not entitled to allotment. It was further held that relief for these Indians should be sought at the hands of Congress. This decision and its result were reported to the agent, and great dissatisfaction was thereby created among the Indians, as there were a good many whose names were on the schedule who were not entitled to allotment under the law.

This bill, I will say to the gentleman, was drafted by the Department, and is, as stated, to correct an interpretation that they were compelled to put upon the law of 1901. It authorizes the allotment to Indians belonging to this reservation who were off the reservation and whom the Department have decided are entitled to these allotments.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the amendment was agreed to.

The bill as amended was ordered to a third reading, was read the third time, and passed.

On motion of Mr. BROWN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for

the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the fortification bill, nonconcur in the Senate amendments, and ask for a conference.

Mr. WILLIAMS. Mr. Speaker, before that consent is granted, will the gentleman give the House some idea of the points of difference between the two Houses?

Mr. SMITH of Iowa. Well, the points are somewhat numerous. The points include large increase of appropriations for fire control, and they also include large items for repair of the devastations by reason of the Gulf storm. They involve some other items. I will say to the gentleman from Mississippi that hearings have been had on some of the items since the bill passed the Senate, that the conferees of both Houses may have information concerning them. The evidence was not taken as to the extent of the ravages of the Gulf storm in November. These estimates reached the House after the hearings closed. Provision was put upon the Senate bill, and no hearings were had until recently, and it was there considered as to the order and the necessity of speed in doing the work.

Mr. WILLIAMS. Do the minority members of the committee agree with you?

Mr. SMITH of Iowa. There has been no such understanding except as to the ordinary course. The minority understood that I would ask for this order, which is known to the Representative from Mobile, who is on the whole committee, but not on the subcommittee, and he is very much interested in the matter.

Mr. WILLIAMS. I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Chair announced the following conferees: Mr. SMITH of Iowa, Mr. KEIFER, and Mr. FITZGERALD.

#### OMNIBUS LIGHT-HOUSE BILL.

Mr. MANN. I ask unanimous consent to take from the Speaker's table the bill known as the omnibus light-house bill, and to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the omnibus light-house bill, to nonconcur in the Senate amendments, and to ask for a conference. Is there objection?

Mr. WILLIAMS. Reserving the right to object, will the gentleman make some statement of the differences between the two Houses?

Mr. MANN. The bill, as it passed the House, carried items amounting to \$1,600,000 exclusive of light-house keepers' dwellings. The Senate have added items amounting to about \$800,000, and have stricken out two small items from the House bill.

Mr. WILLIAMS. Is it the general desire of the committee to go to conference?

Mr. MANN. It is by direction of the committee this morning that I make the request.

Mr. WILLIAMS. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. MANN, Mr. STEVENS of Minnesota, and Mr. ADAMSON.

#### PATENTS TO OFFICERS AND EMPLOYEES OF THE GOVERNMENT.

The SPEAKER laid before the House the joint resolution (H. J. Res. 224) directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases, with a Senate amendment thereto.

Mr. CHANEY. I move to concur in the Senate amendment.

The motion was agreed to.

#### INTERMARRIED CHEROKEE INDIANS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, ordered to be printed, and referred to the Committee on Indian Affairs:

To the Senate and House of Representatives:

The Supreme Court of the United States, in its decision of November 5, 1906, in the case of Daniel Red Bird, the Cherokee Nation, et al., v. The United States, held that "the rights and privileges of those white citizens who intermarried with Cherokee citizens subsequent to the 1st day of November, 1875, do not extend to the right of soil or interest in any of the vested funds of the Cherokee Nation, and such intermarried persons are not entitled to share in the allotment of the lands or in the distribution of any of the funds belonging to said

nation, and are not entitled to be enrolled for such purposes; that those white persons who intermarried with Delaware or Shawnee citizens of the Cherokee Nation either prior or subsequent to November 1, 1875, and those who intermarried with Cherokees by blood and subsequently, being left a widow or widower by the death of the Cherokee wife or husband, intermarried with persons not of Cherokee blood, and those white men who, having married Cherokee women and subsequently abandoned their Cherokee wives, have no part or share in the Cherokee property, and are not entitled to participate in the allotment of the lands or in the distribution of the funds of the Cherokee Nation or people, and are not entitled to be enrolled for such purpose."

I invite your attention to the urgent necessity for legislation for the relief of intermarried citizens of the Cherokee Nation adversely affected by such decision, many of whom have made permanent and valuable improvements upon lands of the nation, where they have resided for many years, undisturbed in their possession, under the belief that they were entitled to the same rights in the lands as native-born citizens of such nation.

In the decision of the court it was stated that, as to the improvements made by these intermarried citizens, "they seem to have been treated as those of a tenant who had made them under an agreement that they should remain his."

As the lands of the nation are being allotted under the act of June 28, 1898 (30 Stat., 495), and subsequent legislation to the other members of the tribes, these intermarried citizens will lose their improvements unless remedial legislation is had. In order to avoid serious hardships to very many of these intermarried citizens, they should be given a definite time within which to dispose of their improvements to citizens of the nation entitled to enrollment. I therefore earnestly recommend the passage of an act substantially as follows:

"That for sixty days after the approval of this act white persons who intermarried with Cherokee citizens prior to July 1, 1902, and made permanent and valuable improvements on lands belonging to the Cherokee Nation prior to the decision of the Supreme Court of the United States in the case of Daniel Red Bird, the Cherokee Nation, et al., v. The United States (203 U. S., 76), shall have the right to sell such improvements to citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the Secretary of the Interior for that purpose, and the vendor shall have a lien on the rents and profits of the land on which the improvements are located for the purchase money remaining unpaid, and shall have the right to enforce such lien in any court of competent jurisdiction."

THE WHITE HOUSE, February 11, 1907.

THEODORE ROOSEVELT.

#### FORT BERTHOLD INDIAN RESERVATION, N. DAK.

The SPEAKER laid before the House the following resolution from the Senate of the United States.

The Clerk read as follows:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, N. Dak.

The SPEAKER. Without objection, the request will be complied with.

There was no objection.

#### VALIDATION OF BONDS OF NEW MEXICO.

Mr. BATES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12857) to validate certain acts of the legislative assembly of the Territory of New Mexico with reference to the issuance of certain bonds.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act of the thirty-fourth legislative assembly of the Territory of New Mexico entitled "An act providing for additional buildings for the New Mexico Military Institute at Roswell," approved February 20, 1901, and the act of the same assembly and session entitled "An act providing for additional buildings for the New Mexico Insane Asylum at Las Vegas," approved March 21, 1901, and the act of the same assembly and session entitled "An act to provide for the issue of bonds for the New Mexico College of Agriculture and Mechanic Arts," approved March 21, 1901, and chapter 53 of the acts of the thirty-fifth legislative assembly of said Territory of New Mexico, entitled "An act creating two armory beards of control and providing for the construction of armories in the cities of Las Vegas and Albuquerque, and authorizing an issue of bonds therefor," be, and each of said acts hereby is, approved, ratified, validated, and confirmed.

Mr. STEPHENS of Texas. Mr. Speaker, reserving the right to object, I desire to ask the gentleman whether or not the bonds have been issued and sold and the money raised and these buildings erected by means of the money raised under this loan?

Mr. BATES. I understand so.

Mr. STEPHENS of Texas. What is the necessity for Congress acting upon it?

Mr. BATES. They want authority to validate the bonds.

Mr. STEPHENS of Texas. It simply validates the bonds that have been issued? I understand the bonds have not been sold, and that the reason is that there is some question arising as to the validity of the bonds. I desire to ask if there are any suits pending?

Mr. BATES. There are no suits pending, and, as I understand, the bonds have not been sold.

Mr. MANN. I would like to say to the gentleman that a few years ago there was an effort made to pass a bill through the House validating certain bonds of New Mexico where there was a good deal of opposition engendered and the project was defeated. Is this the same thing?

Mr. ANDREWS. No.

Mr. BATES. This is for the purpose set forth in the bill, for building certain buildings.

Mr. MANN. Of course we have not the original bills of the legislature here, and we do not know what they cover.

Mr. BATES. I understand that the bonds have been issued and are ready for sale; they have not been disposed of, but are waiting until the act validating the bonds is passed.

Mr. MANN. There was a question here in reference to a matter very much like this where the people who had the bonds wanted to obtain an act of Congress to make them good. I suppose they hadn't paid very much for them, but the project did not go through.

Mr. BATES. This is not that case and is not a similar case.

Mr. STEPHENS of Texas. These bonds have not been hypothecated or sold, as I understand. The question is being held until the legislation is had. It seems to me this remedial legislation should be passed.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

#### COUNTY OF TAOS, N. MEX.

Mr. BATES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12858) permitting the county of Taos, in the Territory of New Mexico, to refund its indebtedness at a lower rate of interest.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That notwithstanding anything to the contrary in the laws of the United States limiting the indebtedness of counties in the Territories, the county of Taos, in the Territory of New Mexico, be, and the same is hereby, authorized and empowered to refund its floating indebtedness of \$7,500 and its bonded indebtedness of \$42,400 by an issue of its bonds therefor, under the laws of the said Territory providing for the refunding of county indebtedness: *Provided*, That said bonds shall not run for more than twenty years nor bear interest at a higher rate than 5 per cent per annum, nor shall the same be sold for less than par: *Provided further*, That nothing in this act shall be construed as in any manner creating any liability upon the part of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### SCHOOL LAND IN OKLAHOMA.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24655) to authorize the legislature of Oklahoma to dispose of a certain section of school land.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the legislature of the State of Oklahoma is hereby authorized to grant section 16, in township 14, north of range 4, east of the Indian meridian, Lincoln County, Okla., to the board of education of the city of Chandler, in said county, for school purposes upon such terms as the said legislature may impose.

The following committee amendment was read:

In line 3, after the word "Oklahoma," insert the words "when the State of Oklahoma shall have been admitted."

Mr. WILLIAMS. Reserving the right to object, Mr. Speaker, will the gentleman from Oklahoma explain the necessity of this legislation? Why is it the legislature of the State of Oklahoma can not do this without an act of Congress? The land will go to the State for educational purposes, and it goes with their full control and authority.

Mr. McGUIRE. The enabling act provides that the legislature of Oklahoma can dispose of this school land if it desires, but if it does dispose of it it must be done to the highest bidder. The purpose is to give a section of school land not to the highest bidder, but to the city schools. The reason for the bill is this: There are nine townships adjacent to the city of Chandler that are set aside for school purposes—that is, for common schools. This is known as "lieu land." It has been impossible to support schools where these lieu lands were chosen by the authorities, and these children have had to go necessarily to the Chandler school. This has been done at a very great expense to the city of Chandler. The common schools of every Territory have had the benefit of lieu lands, and the city of Chandler and the county of Lincoln have been paying for it.

They have carried the burden. This is to reimburse them to a limited degree for the expenditures they have incurred for the benefit of all the schools of the Territory.

Mr. WILLIAMS. Does not the gentleman think it would be better to wait until after Oklahoma is admitted to the Union and then let the legislature of the State of Oklahoma ask for this legislation?

Mr. McGUIRE. That is exactly what I am trying to do with this bill. I would be glad to do that if it would not be too late,



but it would be too late. We could not then reimburse these people for the money that they have expended.

Mr. WILLIAMS. This bill does not make a disposition of the land?

Mr. McGUIRE. No.

Mr. WILLIAMS. It merely enables the legislature of Oklahoma to do it?

Mr. McGUIRE. That is the idea.

Mr. WILLIAMS. I have no objection.

The SPEAKER. The Chair hears no objection. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24925—the naval appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. SHERMAN in the chair.

The CHAIRMAN. General debate is closed, and the Clerk will read.

The Clerk read as follows:

#### PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to commandants of yards and stations; clerks to paymasters at yards and stations, general storekeepers, receiving ships, and other vessels; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates, and also naval constructors and assistant naval constructors; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force, and men detailed for duty with Naval Militia, and for the Fish Commission, 36,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 2,500 apprentice seamen under training stations and on board training ships, at the pay prescribed by law, \$21,000,000.

*Provided*, That the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment by request, for inaptitude, as undesirable, or for disability not incurred in line of duty: *Provided*, that officers of the Navy above the grade of captain, who served with credit in the regular or volunteer forces during the civil war, prior to April 9, 1865, otherwise than as cadets, and were retired prior to June 13, 1890, on account of wounds or disability incident to the service, or on account of age, or after forty years' service, shall receive the same pay and allowances from June 29, 1906, as are or may be provided by or in pursuance of law for the retired officers of corresponding rank in the Army: *And provided further*, That commodores coming under the provision of this section may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy, with the rank and retired pay of rear-admiral (junior grade), from June 29, 1906: *And provided further*, That retired officers of the Navy who have retired for disabilities resulting from an incident of the service shall have for active duty the rank, pay, and allowances of officers of the active list of like length of active service, and if actively employed for an aggregate period of three years after retirement shall, when detached from duty, retain the rank and highest retired pay of the grade they then hold: *Provided*, That the time of service of the retired officer, for the purpose of fixing his rank, pay, and allowances, shall be made up of the period of service before retirement, to which shall be added the time engaged in active service, under the order of the Secretary of the Navy, while on the retired list: *Provided further*, That the present rank and pay of any officer on the retired list shall not hereby be reduced.

Mr. PRINCE. Mr. Chairman, I make the point of order against the provision on page 3, line 6, and running to the end of line 21 on page 3.

Mr. HULL. Mr. Chairman, I reserve the point of order on the balance of the section.

Mr. MANN. Mr. Chairman, I make the point of order on the balance of the section.

Mr. CRUMPACKER. Mr. Chairman, I hope the gentleman from Illinois [Mr. PRINCE] will reserve his point of order.

Mr. FITZGERALD. Mr. Chairman, is it necessary to reserve all points of order at this time?

The CHAIRMAN. It is necessary to state what points of order are reserved against this section at this time.

Mr. FITZGERALD. Mr. Chairman, then I reserve a point of

order against the language on page 2, commencing in line 5, ending with line 11.

Mr. MANN. Mr. Chairman, I also reserve the point of order upon the words "thirty-six thousand men," in line 17, page 2.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to discuss any of the points of order?

Mr. FOSS. So far as the point of order made by the gentleman from New York [Mr. FITZGERALD] is concerned, which I think comes up first upon the paragraph—

Mr. FITZGERALD. Oh, Mr. Chairman, my purpose is to have the gentleman explain the provision. I reserve the point of order. I did not make the point of order.

Mr. FOSS. Mr. Chairman, I would say that this provision has been put in here and is due to a recent decision of the Comptroller of the Treasury, disallowing commutation for quarters for officers where there are no public quarters.

Mr. FITZGERALD. I call the attention of the gentleman to the language of this provision, that it is for hire of quarters for officers serving with troops. When do the naval officers serve with troops?

Mr. FOSS. The decision of the Comptroller was to the effect that where a naval officer was stationed at a navy-yard he was there with men—that is to say, the men in the navy-yard were construed by him as troops. It was a roundabout construction, and in applying the Army law, which applies also to the Navy, the decision of the Comptroller was to the effect that commutation for quarters could not be allowed. This puts it on the same basis as Army officers. I have here the letter from the Chief Quartermaster and also a letter from the Navy Department, which I will be pleased to put into the Record.

NAVY DEPARTMENT,  
Washington, February 5, 1907.

SIR: I have the honor to invite the attention of the committee to the inclosed copy of a memorandum from the Bureau of Navigation requesting that the clause providing for "hire of quarters for officers serving with troops where there are no public quarters," which clause appears in the bill making appropriations for the naval service as it passed the House, be amended so as to provide for the allowance, in the settlement of accounts of disbursing officers, of payments for such commutation of quarters made prior to July 1, 1907.

Inasmuch as the provision as it now reads in the naval bill will not be effective until July 1, 1907, and will not cover payments made on the account referred to prior to that date, the Department recommends that the suggested amendment be made.

A duplicate of this communication has this day been addressed to the chairman of the Committee on Naval Affairs of the Senate.

Very respectfully,

V. H. METCALF, Secretary.

HON. GEORGE EDMUND FOSS,  
Chairman Committee on Naval Affairs,  
House of Representatives.

DEPARTMENT OF THE NAVY,  
BUREAU OF NAVIGATION,  
Washington, D. C., February 2, 1907.

[Memorandum for the Department.]

On November 30 last this Bureau had the honor to invite the attention of the Department to a decision rendered by the Comptroller of the Treasury that officers of the Navy serving on shore with troops are not entitled to commutation of quarters. The resulting hardship of this decision upon officers ordered on shore duty with enlisted men was pointed out and as a remedy it was suggested that Congress be asked to insert the following language in the naval appropriation bill: "For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops."

This request received favorable action in Congress, and the new language has been incorporated in the naval bill, page 2, lines 5 to 11. As this bill when enacted into law will not become effective until July 1, 1907, pay officers who have made disbursements prior to that date for commutation of quarters for officers on shore serving with troops will, under the Comptroller's decision, be checked for the sums so paid. To forestall this checkage, the Bureau suggests the insertion of the following language in the naval bill after the word "troops," on page 2, line 11:

"And the proper accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of accounts of disbursing officers all payments made prior to July 1, 1907, for commutation of quarters for officers on shore serving with troops and not provided with public quarters."

It is believed that if the attention of Congress is called to the fact that this slight change in the bill will prevent the enactment of separate legislation for the relief of each pay officer so checked and will lessen the work of the accounting officers of the Treasury Department the advantage of embodying it will be readily seen.

G. A. CONVERSE, Chief of Bureau.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL,  
Washington, June 25, 1906.

HON. GEORGE EDMUND FOSS,  
House of Representatives, Washington, D. C.

MY DEAR SIR: In reply to your communication of June 23, 1906, addressed to the Secretary of War and by him referred to this office for reply, asking for the statute under which quarters are hired for officers serving with troops where there are not sufficient quarters possessed by the Government to accommodate them, you are respectfully informed that paragraph 1035, Army Regulations, 1904, provides: "If the pub-

lic buildings are inadequate, the commanding officer will apply, through the department commander, to the Secretary of War for authority to hire the necessary quarters." This paragraph of the Army Regulations is based upon section 9 of the act of June 17, 1878 (20 Stat. L., 144).

Very respectfully,

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

NAVY DEPARTMENT,  
Washington, June 22, 1906.

SIR: In answer to your informal inquiry of this morning I have the honor to submit the following statement:

By letter dated May 25, 1906, addressed to the chairman of the Committee on Naval Affairs of the Senate, the Department recommended the insertion in the then pending naval appropriation bill of the following clause:

"For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government and where there are not sufficient quarters possessed by the United States to accommodate them."

This clause now appears as Senate amendment No. 1 in the naval bill as it passed the Senate and was the subject of discussion yesterday in the House (CONGRESSIONAL RECORD, June 21, 1906, p. 9159 et seq.).

The provision is rendered necessary by recent decisions of the Comptroller of the Treasury to the effect that an officer of the Navy on duty with troops is not entitled to commutation for quarters (decision of November 13, 1905, in the case of Asst. Surg. W. N. McDonnell, United States Navy, copy inclosed). Under this decision officers, when ordered to shore duty for service with enlisted men at points where there are no quarters available, suffer a special hardship, inasmuch as they receive neither quarters in kind nor commutation therefor. To correct this discrimination is the purpose of Senate "amendment No. 1."

The phraseology of this clause is not new. Prior to the decision of the Comptroller in question, however, such a provision was not needed for the Navy. The language of this "amendment No. 1" appears verbatim in acts making appropriations for the naval service passed as far back as 1890. (See, for example, 33 Stat., p. 349; 26 Stat., p. 204.) This language has, therefore, received interpretation in practice during a period of sixteen years or more, and it has been uniformly interpreted to mean that officers serving with troops, where there are no public quarters or insufficient quarters, shall receive commutation therefor at the rates allowed officers of the Army in like cases—that is to say, at the rate of \$12 per room for the number of rooms to which the rank of the officer concerned entitles him. These rates are fixed by law and regulation as follows:

"That the rate of commutation shall hereafter be \$12 per room per month for officers' quarters." (21 Stat., 31; act of June 23, 1879; 1 Supp. Rev. Stat., p. 267.)

This statute fixes the rate at \$12 per room. By Army Regulations (1904), article 1051, page 152, the number of rooms allowed "as quarters" and "as kitchen" are given as follows:

|                                     |   |
|-------------------------------------|---|
| Lieutenant-General or major-general | 6 |
| Brigadier-general or colonel        | 5 |
| Lieutenant-colonel or major         | 4 |
| Captain                             | 3 |
| Lieutenant                          | 2 |

By section 13 of the personnel act it is provided that "officers of the line of the Navy and of the medical and pay corps shall receive the same pay and allowances, except forage, as are or may be provided by or in pursuance of law for the officers of corresponding rank in the Army." This statute makes the Army allowances applicable to the Navy, and by other provisions of law they are made applicable to the Marine Corps.

Articles 1035 and 1036 of the Army Regulations (1904) read:  
"1035. An officer will not occupy more than his proper allowance of quarters, except by permission of the commanding officer, when there is an excess of quarters at the station. The allowance will be reduced pro rata by the commanding officer when the number of officers and troops present makes it necessary. If the public buildings are inadequate, the commanding officer will apply, through the department commander, to the Secretary of War for authority to hire necessary quarters."  
"1036. Officers on duty without troops at stations where there are public quarters will be furnished them in kind. If insufficient, application for authority to hire quarters will be made as directed in paragraph 1035."

It is learned by informal inquiry at the War Department that it is the practice in that branch of the service to hire quarters for officers serving with troops where there are no public quarters or where the public quarters are insufficient.

From the foregoing statement it will be seen that the amendment to which objection has been made, Senate amendment No. 1, is not new, but has been running in the statutes relating to the Marine Corps for sixteen years; that its meaning has been settled and determined in practice; that the language does not confer upon the officers concerned any greater privileges than are enjoyed by officers of the Army in like situation.

Very respectfully,

TRUMAN H. NEWBERRY,  
Acting Secretary.

Hon. GEORGE EDMUND FOSS,  
Chairman Committee on Naval Affairs,  
House of Representatives.

Mr. FITZGERALD. If this provision puts the officers of the Navy on the same basis as officers of the Army, so far as I am concerned, I have no desire to press the point of order.

Mr. MANN. Does this provision in any way enlarge what has heretofore been practiced in the Navy Department?

Mr. FOSS. No; it does not—prior to the decision of the Comptroller.

Mr. FITZGERALD. When was this decision made?

Mr. FOSS. I have the decision right here.

Mr. MANN. It is a recent decision?

Mr. FOSS. It is a decision that was made a year ago—a little over a year ago—and this provision first came to the House

in the shape of a Senate amendment last year upon the naval bill.

Mr. FITZGERALD. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The question is on the point of order raised by the gentleman from Illinois [Mr. MANN] to the word "thirty-six," in line 17, page 2.

Mr. FOSS. Mr. Chairman, right in this connection I would like to offer an amendment. Some of the accounts of the naval officers have already been held up for several months, and this will allow a settlement of those accounts.

The CHAIRMAN. The point of order should be disposed of first, but—

Mr. FOSS. I think I can offer it by unanimous consent.

The CHAIRMAN. Is there objection to an amendment being offered by the gentleman from Illinois, chairman of the committee?

Mr. MANN. Mr. Chairman, it seems to me—

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. MANN].

Mr. MANN. It seems to me it is wiser to pursue the regular course.

The CHAIRMAN. That amounts to an objection. The question is on the point of order raised by the gentleman from Illinois [Mr. MANN] to the word "thirty-six" in line 17, page 2.

Mr. MANN. May I ask the gentleman in charge of the bill, my colleague, whether the law provides for the number of men in the Naval Militia and the Fish Commission; and if so, whether this does not fix the number?

Mr. FOSS. Well, I would say to the gentleman we have no law providing for the number of men in the Navy, only as we fix it each year in the naval appropriation bill.

Mr. MANN. Is the theory of this to cover the additional force of marines?

Mr. FOSS. Oh, no; simply men in the Navy. The Department allowed 1,500, and this 36,000 men is giving them the 1,500 in addition to what they already have now, 34,500.

Mr. MANN. Mr. Chairman, I withdraw the point of order. I do not think it is subject to the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order against line 17. The question is on the point of order raised by the gentleman from Illinois [Mr. PRINCE] to lines 6 to 21, inclusive, on page 3. Does the gentleman from Illinois desire to discuss the point of order?

Mr. HULL. Mr. Chairman, I understood the gentleman from Illinois to reserve the point of order.

Mr. PRINCE. Mr. Chairman, in order to hear the discussion, if there is any reason for it, I reserve the point of order and it can be considered as pending.

The CHAIRMAN. The point of order is reserved.

Mr. FOSS. Mr. Chairman, I do not care to speak upon the proposition now.

Mr. HULL. Mr. Chairman, I only desire to say a very few words. This is legislation, and of course it is subject to the point of order. The proper way to have dealt with it undoubtedly would have been to have brought in a bill correcting the evil, but there has been an injustice done some very distinguished older officers of the Navy in our legislation in the last few years. When the naval personnel bill was passed all men of civil-war service then on the active list received an additional grade on retirement without any limitation as to rank. In other words, it went from the lowest officer to the highest officer of the Navy. When the Army bill was passed we limited the additional grade to those not above the grade of colonel, so that those who were on the retired list, the brigadier-generals, got no additional grade on account of civil-war service.

We passed a bill for the Army giving an increased pay to all civil-war soldiers on the retired list below the grade of brigadier-general or not above the grade of colonel, the grade of colonel, as you all understand, corresponding in the Army with the grade of captain in the Navy. When the Committee on Naval Affairs reported their bill—I think at the last session of Congress, the chairman can correct me if I am wrong—they gave to the officers of the Navy on the retired list an additional grade where they had had civil-war service. We limited it to those not above the grade of captain. The result was that there are fifteen older officers of the Navy on the retired list who had been retired before the personnel bill was enacted into law. Those men had high rank in the Navy during the civil war, and the anomaly is shown by our legislation that the juniors who had limited service in the civil war, some of them only a few months, some only a few weeks, going to the grade of rear-admiral, senior grade, passed these men who at that time were called commodores, an office that was abolished by the personnel bill, leaving them stationary and at a lower grade



on the retired list than the men they commanded during the civil war. In other words, these fifteen men—is that the number?

Mr. FOSS. Fifteen rear-admirals and three commodores.

Mr. HULL. Fifteen rear-admirals and three commodores have been pocketed by the legislation, have received no benefit whatever from the civil-war service, although they had command rank during the civil war. It seems to me that, while this is not the proper place to legislate on that matter, any place is good enough to correct an injustice of that character, and for one I hope the point of order will not be insisted upon.

Mr. PRINCE. I want to ask my colleague on the committee a question. Did not the Military Committee only a day or two ago decline to grant the privilege to eighteen majors and eleven captains who felt that they had been discriminated against on account of this same law?

Mr. HULL. Yes; they did; but I want to say to my friend that, under the construction of the War Department, as I understand it, each one of those officers had received a grade above the one they were serving in for the purpose of retirement or at the date of retirement. Our law, as my colleague will remember, had this provision in it, that any officer who had received a grade for retirement should not have the benefit of the additional grade to civil-war veterans. Now, if those men did not come under that provision the War Department has been guilty of an injustice in their treatment. If it did come under that provision, or if they did come under the provision, then they have already had the grade and have no complaint to make on account of it.

Mr. CRUMPACKER. Mr. Chairman, I desire to reenforce the position of the gentleman from Iowa [Mr. HULL]. In short, this proviso undertakes to put fifteen rear-admirals and three commodores on the retired list upon the same footing—that is, admirals and commodores who were retired before the personnel bill became a law—with rear-admirals and corresponding officers who have been retired under the operation of that law. These fifteen rear-admirals, the youngest of whom is 72 years of age, held commissions in the civil war and performed honorable, distinguished, and faithful service for the Union during that war. They were retired by operation of law prior to the enactment of the personnel bill, and when the personnel bill went into force it increased by about 20 per cent the retired pay of men who held equal rank in the naval service—

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. CRUMPACKER. So that these fifteen admirals to-day are getting about \$1,100 a year less of retired pay than rear-admirals who have been retired under operation of the personnel law.

Mr. MANN. How much do they get?

Mr. CRUMPACKER. I do not know. The same as major-generals.

Mr. HULL. They get the same as brigadier-generals.

Mr. MANN. How much do they get?

Mr. HULL. Three-quarters of \$5,500 a year.

Mr. SHACKLEFORD. Why make it a rider to this bill? Why not make it a general measure, to be considered on its merits?

Mr. CRUMPACKER. That is a question of procedure. When the House has an opportunity to do justice to these fifteen rear-admirals who performed distinguished service during the civil war, and who are discriminated against by acts of Congress, I think it ought to avail itself of the opportunity and not quibble over questions of procedure. It is not unusual for acts of Congress to give preferential privileges to men who stood by the Government during the civil war, but this is the first instance that I know of in the legislation of this country where men who performed that service on behalf of the Union are discriminated against. The officers who are retired under the personnel law, very few, if any of them, performed actual service during the civil war. They are receiving, I repeat, 20 per cent more of retired pay than these fifteen veterans to whom the country is under especial obligations. It is simply a question of doing plain, common justice to fifteen or eighteen worthy and deserving men, and I hope the gentleman from Illinois [Mr. PRINCE] will withdraw his point of order.

Mr. WALDO. I want to ask the gentleman a question, if he will yield.

Mr. CRUMPACKER. I will yield to the gentleman from New York.

Mr. WALDO. I want to know whether this clause is intended to include any pay for time of service in a military or naval school?

Mr. CRUMPACKER. No. The proviso to which the point of order is pending begins on line 6 and ends on line 31, and simply

relates to rank and retired pay. These officers have been on the retired list now for over seven years.

They were retired by operation of law prior to the passage of the personnel bill, and they receive the same pay as brigadiers-general. The personnel law provides that all men, officers of the Navy, who should be retired as rear-admirals in the future should receive the rank and retired pay as majors-general. The personnel bill assimilated the rank, and put rear-admirals upon the same rank and pay as majors-general. It only applied to those in the service and who retired after the act went into effect on the 30th of June, 1899; and the fifteen rear-admirals who were retired before that act went into effect received no benefit whatever from it. They are on the retired list with the rank and pay of brigadiers-general, while a number of other officers of the Navy who have been retired since, under the operation of that law, who performed practically no active service for the Government, are on the retired list with the rank and pay of majors-general.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to be heard upon the point of order?

Mr. FOSS. Mr. Chairman, I do not care to discuss this matter, because it has been fully covered, I think, by the speech of the gentleman from Iowa [Mr. HULL]. If the gentleman from Illinois insists upon the point of order, I should like to know it now, because I think we could save a great deal of time.

Mr. PRINCE. Mr. Chairman, as near as I get a hold of it, this amendment tries to correct and change what was the law at the time of its passage, namely, these officers retired under the then existing law, and they were satisfied with it. Now, a later day came, and Congress passed another law which seemed to give somebody more benefits than were given under the law at the time these officers retired. Now gentlemen come and say therefore they want us to bring them up to the present law. If that were done and in the future you should make another change of law, then here is a precedent to bring up all those other men that have been treated otherwise in the past and give them all the benefit of recent legislation.

Now, they want to make fifteen majors-general. The active pay of a major-general is \$7,500. The retired pay three-fourths of that. Three-fourths of \$7,500, which is \$5,625, is a very pleasant amount to come in as retired pay for services rendered. Now, I can not consent to it; and if it should be done, it should be done in some other way. If there was a wrong done, it should have been corrected at the time. I am getting almost weary of doing something all the time to correct some of these retirements and promotions. There are thousands of men all over the country to-day who braved the storm of battle who are only receiving \$12 a month; and here is a proposition to increase the retired pay of fifteen brigadiers-general on the retired list and make them majors-general, retired, at three-fourths of \$7,500 pay. I will take the responsibility of insisting upon the point of order.

The CHAIRMAN. The point of order is sustained. The question is on the point of order raised by the gentleman from Illinois [Mr. MANN] on the balance of the section.

Mr. MANN. I insist upon the point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to discuss the point of order?

Mr. FOSS. No, Mr. Chairman; I do not.

The CHAIRMAN. It seems that it is clearly legislation.

Mr. VREELAND. Mr. Chairman, I want to inquire if the part objected to includes that portion of the bill commencing with line 22 on page 3?

The CHAIRMAN. That is right; and down to line 11 on page 4.

Mr. VREELAND. I would ask the gentleman from Illinois to withhold his point of order at least until the reason for placing it in the bill may be given to the House. I think it will commend itself to his judgment upon hearing the reason for it.

Mr. MANN. Well, Mr. Chairman, I am perfectly willing to reserve the point of order until the gentleman makes his speech. However, I am not making the point of order in ignorance of the reason for putting it in the bill.

Mr. VREELAND. Perhaps there may be more reasons than the gentleman thinks.

Mr. MANN. Oh, there are some reasons that probably have not been disclosed to me.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. MANN. At the request of the gentleman, I temporarily reserve the point of order.

The CHAIRMAN. Very good.

Mr. VREELAND. Mr. Chairman, I recognize, with other gentlemen on the floor, that it would be better to bring these

matters before the House in separate bills; but we all know it is practically impossible to secure consideration for them. This bill has been pending before Congress for at least five years. It was first introduced by Representative Dayton during his service, and in the present Congress it was introduced by the gentleman from Louisiana [Mr. MEYER], receiving the unanimous indorsement of the committee, but has not been reached upon the Calendar up to the present time by the House, and it is evident that it can not be reached during the present session. At my request the Naval Committee inserted this item in the appropriation bill, believing that a mere statement of the facts in the case would so commend it to the House that it would receive unanimous consent, as it must.

Mr. Chairman, before the year 1900 retired naval officers could only be ordered into the service in time of war. Only in time of war could the Secretary of the Navy order retired officers returned to the service. In the year 1900 this law was changed for a period of twelve years, during which time the Secretary of the Navy may order any retired officer back into active service, on sea or on shore. By what I believe to be an inadvertence in the law, no provision was made whereby these officers who go back into active service can receive any benefit for the new services which they perform.

I want to give the House two or three examples of the effect of the law as it now stands. We will take the case of Lieutenant Graham, who served twenty years and five months in the active service of the Navy. He was then retired for physical disability. Recovering sufficiently from his disability to perform service, he was ordered back into the service, and has now been on the active list again for five years and three months, making him a total of more than thirty-two years of active service for his country. Yet under the provisions of the act of 1900 this officer can receive no advancement whatever, although he performs service side by side with those who are receiving advancement for the services they perform. This man is likely to stay in the service until he can see boys graduated down here at the academy since he returned to active service pass him in rank in spite of the more than thirty-two years of service which he has performed.

Take the case of Ensign W. L. Varnum, who served thirteen years and a half, was retired for physical disabilities, went back into the service, being called there by the Secretary of the Navy, and has now served seven years more, making twenty years of active service in the Navy. Yet to-day he retains the rank of ensign, and if he should complete the balance of the twelve years of service he will still retain the rank of ensign. Meanwhile these young boys that are graduated down at the academy pass him and outrank him in the service, despite the twenty years of service which he has put in.

Mr. PRINCE. May I ask the gentleman a question?

Mr. VREELAND. Yes.

Mr. PRINCE. Does it not often occur that our colleagues come here, serve with us, and pass us, as in the case of the very able justice of the Supreme Court, Mr. Moody? Can we rectify all these differences and equalities of men and officers by legislation?

Mr. VREELAND. We can not rectify all inequalities, but I want to point out to my friend from Illinois that this does not come under the objection that he made to the section of the bill that has just gone out. This does not give an arbitrary raise of pay to men who have retired from the service. This merely gives a chance to men who have come back into active service by order of the Secretary of the Navy and perform new service, and we merely give them the common justice of a chance for promotion for the new service which they render.

I will cite one more example. Take the case of a gunner, S. Cross, who served twenty-five years and ten months, being retired for physical disability. He has now come back into the service and has served more than six years, and yet he can see the gunners by the side of him, with far less years of service than he has had, promoted to be chief gunners, while he must spend the balance of his service in the same position.

Now, I want to explain to the House just what this amendment does. Under this present law, the act of 1900, the Secretary of the Navy can order any retired officer back to active service. It is not a matter of discretion with the officer to serve or not, as it is in the Army. He is ordered back into the service. Now, this bill provides that those who are ordered back into the service and who have been retired for physical disability only—the men who voluntarily retired from the service are not affected by this—after having served three years, may then have credit for the years of active service that they had before their retirement. If that is not common justice and fairness to men who are now performing active duties in the service, then I am totally mistaken in the premises.

We know the reason for this law, Mr. Chairman. We know that it was passed because we have not officers enough in the Navy to man our ships. We know that we have to order these men back into the service because we are not turning out officers at Annapolis fast enough to man the ships which we have built. I have no hesitation in saying that it is not only unjust, but positively mean and niggardly, for Congress to require these men by law to return to active service and then refuse to permit them to advance, but subject them to the humiliation of being passed by their juniors in years and length of service.

Now, Mr. Chairman, I want to say that no officer of high grade will be affected by this bill. It is not a permanent change in the law; this act of 1900 limits its provisions to twelve years. It merely affects those retired for physical disability and called back into the service by order of the Secretary of the Navy, who are now performing active duty in the service wherever they are sent.

Under these circumstances it did seem to me that a statement of the effect of this provision would commend itself to the judgment of the House.

Mr. MANN. Mr. Chairman, I insist on the point of order.

Mr. OLMSTED. I wish the gentleman would withhold his point of order.

Mr. MANN. There are several gentlemen who wish to be heard, but the committee is anxious to proceed. However, I will reserve the point of order if the gentleman from Pennsylvania wishes to address the committee.

Mr. OLMSTED. Mr. Chairman, I wish to say a few words. I happen to be familiar with the case of Mr. Graham, referred to by the gentleman from New York [Mr. VREELAND]. He is the son of a distinguished judge, and has many relatives living in my district. His is a most meritorious case. If I mistake not, there has been once or twice a special bill favorably reported to this House covering his particular case. Now there has been reported by the proper committee a bill covering all similar cases, the same provision that is in this bill with reference to these several cases. I suggest to the gentleman from Illinois that while the rule he invokes is, in the main, a very good rule, with which we are all in sympathy, its object is to prevent vicious legislation which probably could not otherwise be effected than as a rider to an appropriation. This seems to me—and I hope it will seem to him—to be invoking a technical rule, not to prevent an evil, but to prevent a good proposition from becoming law.

There is no doubt that if the general bill which has been reported from the committee could be brought before the House at this time it would pass. I have no doubt that the gentleman from Illinois himself would be very glad to vote for it. That being the case, the measure having been acted upon by the proper committee and favorably reported to the House, and failing to be considered by the House only because it is so far down on the Calendar that it can not be reached at this session, I hope the gentleman from Illinois will not feel it his duty to press the point of order in this case. One great object of the rule is to prevent the springing upon the House of entirely new propositions which have not been considered by the proper committee. It is quite customary to withhold or refrain from making the point of order where the subject-matter of the paragraph has been acted upon by the proper committee, and I ask the gentleman from Illinois not to invoke it against so worthy a provision, which simply does justice to several very worthy officers.

Mr. WEEKS. Mr. Chairman, I want to add one or two words to what the gentleman from New York has said, and that is that these men are retired for physical defects incurred in the service. They are not retired on their own volition. They oppose retirement in almost every case, and are retired by order of the Department because they have some physical defect. If we had a reserve list, as we should have, these men would be continued in the active service, not doing the duty they are not fit to do, but doing the duty which they could do.

Now, there is a vital difference between the method of the operation of the law as it works in the Army and Navy. In the Army retired officers are only placed on duty at their own request and with their own consent, and they are only placed on certain stipulated duty, fixed by law; but in the Navy the Department has the option to order any retired officer on duty and to perform any duty which the Department requires him to do. So that these men, who have been retired through no fault of theirs, no matter if they have taken up some active business, wherever they reside, and while engaged in that business, at the option of the Department may be taken from it and ordered on active duty. It therefore works a direct and immediate financial loss in very many cases.



Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. WEEKS. Certainly.

Mr. FITZGERALD. The active duty to which these men are ordered is not the class of duty that is of special service in the time of war—only active duty in connection with recruiting stations at yards?

Mr. WEEKS. I will say to the gentleman from New York that they are ordered on any duty which the Department sees fit to order them to.

Mr. FITZGERALD. But, as a matter of fact, the physical defects are such that they are incapacitated even in time of war, if I am correctly informed, of rendering the service which the average man considers to be active service.

Mr. WEEKS. Generally speaking, that is the case.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. MANN. I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FOSS. Mr. Chairman, I have offered an amendment, which the Clerk has at his desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "troops," in line 11, on page 2, insert the following: "And the proper accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of accounts of disbursing officers all payments made prior to July 1, 1907, for commutation of quarters for officers on shore serving with troops and not provided with public quarters."

Mr. MANN. Mr. Chairman, I reserve the point of order on that.

Mr. FITZGERALD. Does the gentleman mean prior to that time or subsequent to that time?

Mr. FOSS. Prior to that time.

Mr. FITZGERALD. How far back would that go?

Mr. MANN. To the beginning of the Government.

Mr. FOSS. Oh, no.

Mr. FITZGERALD. Yes; I think it would.

Mr. FOSS. Back to the date of the decision of the Comptroller.

Mr. FITZGERALD. I think the amendment should so state.

Mr. MANN. Here is a direction on the Comptroller to allow all accounts at any time in reference to officers' quarters.

Mr. FOSS. Mr. Chairman, I wish the Clerk would again report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. That would cover all claims for officers' quarters prior to next July, no matter where they occurred or for what reason they had been allowed.

The CHAIRMAN. Does the gentleman from Illinois now make the point of order?

Mr. MANN. I reserve the point of order.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. Foss].

Mr. FOSS. Mr. Chairman, I want to state there has been no question as to the commutation of quarters up to the time of the Comptroller's decision, which was on November 15, 1905, and since that time these accounts have been held up. If the gentleman desires to insert "prior to June 30, 1907, and after November 15, 1905," I have no objection.

Mr. FITZGERALD. The gentleman ought to have his amendment prepared so that it would cover all accounts affected by this.

Mr. FOSS. This amendment was prepared by the Department and affects only these accounts which have been held up by the Comptroller's decision.

Mr. MANN. It affects all accounts prior to July 1, 1907, for officers' quarters, no matter whether they have been authorized by law or not. Under this they could allow anything they pleased.

Mr. ROBERTS. Prior to 1905 they were not held up at all; they were paid.

Mr. MANN. That is not the amendment. I have no objection to providing an amendment in accordance with the language of the bill in some way.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. MANN. I do in its present shape.

The CHAIRMAN. Wherein does the gentleman claim the amendment is out of order?

Mr. MANN. It is a change of law absolutely. It is directing that accounting officers shall allow certain accounts which are not now allowed by law. It is a specific direction, the law

now providing that accounts shall be allowed by the accounting officers for disbursements for officers' quarters. Here is an amendment directing the accounting officers to allow all disbursements for officers' quarters, though it may be directly in the teeth of the law fixing the allowance.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] desire to be heard on the point of order?

Mr. FOSS. I do not, Mr. Chairman.

The CHAIRMAN. In the opinion of the Chair, the point of order is well taken, and the Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 22, insert:

"The grade of the active list of the Navy hereinafter designated shall be so increased that there shall be sixteen additional chaplains."

Mr. FOSS. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. FITZGERALD. It is clearly subject to the point of order, but I sincerely hope, since the bill carries so much legislation, the chairman will permit the committee to consider the matter, most particularly as on February 19, 1903, when a similar amendment was offered by me, members of the committee assured me that the bill I had introduced for this purpose would be considered and reported, and no action has yet been taken upon it.

The CHAIRMAN. The point of order is made by the gentleman from Illinois, and sustained.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last two paragraphs, both having gone out on the point of order. Mr. Chairman, I would like to ask the privilege of the House, and I hope, if my request receives the indorsement of the chairman of the committee, to be permitted to continue for fifteen minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, it is a curious coincidence that usually as we approach the consideration of the naval bill there is a revival of war talk. Our enemies appear in increasing numbers and with a more threatening aspect just as there seems to be a better opportunity to sell armor plate. I do not mention this as cause and effect, but I do think it suggestive.

Although we are at peace "with all the world and the rest of mankind," as a President of the United States is reported to have said, the air is thick with rumors of war. Senators of the United States see storm clouds in the East and peripatetic preachers of unlimited naval construction are declaring in public addresses that a conflict with Japan is inevitable. Some of our friends who represent the Pacific coast on the floor of this House are frightened almost into a state of nervous collapse over the vision of little brown men marching under the banner of the "rising sun." The fact that 6,000 miles of salt water lie between them and the islands of Japan does not appear to allay their fears. They are not even reassured by the recollection of the fact that the President of the United States has recently been honored with the Nobel prize as the world's chief champion of peace. If this official selection of the President as the world's most conspicuous exemplar of the doctrine of love and peace—and no one has yet openly suggested that it is a misfit—can not calm their fears, it is useless, I suppose, for me to undertake to say anything with the hope that it will reassure them. Still, as one who can not appreciate the imminence of this danger, as one who can not persuade himself that there are certain physical and financial obstacles which even the Japanese, brave, clever, and resourceful as they are, can not overcome, I shall contribute my mite toward restoring their peace of mind.

Mr. Chairman, the war between Japan and Russia was one of the most remarkable in the history of the world. A nation of only about 40,000,000 people, recently emerged from what we are pleased to call "barbarism," met and overcame on the field of battle one of the great military powers of Europe. The remarkable series of battles, always ending in victory for the Japanese, and the result of the war are striking illustrations of what discipline and intelligent preparation will accomplish. The Russians outnumbered the Japanese about three to one; they had better credit; their march into Asia had been for years an uninterrupted series of victories; they held their enemy in contempt, and this may have had something to do with their defeat, but the end was humiliation to the Czar and his armies.

However, it must not be forgotten that the theater of war was several thousand miles away from the Russian base of supplies. Not only the army of Russia but all the provisions of war had to be carried this great distance over two little,

slender threads of steel, and in this fact alone lay an advantage for the Japanese which quite balanced the disparity in numbers.

I call upon my nervous fellow-citizens of the Pacific coast to remember that although the Japanese could march across Korea and through Manchuria, their legs are entirely too short to wade the Pacific. On our side of the Pacific Ocean they have no coaling stations, and ships of war which cross that ocean under their own steam would be comparatively helpless before they could reach the coast of California. Again—and the recollection of this may help our California friends to a night's rest—it should also be remembered that after winning brilliant victories in the greatest battles of all history the Japanese made a treaty of peace, which, if not humiliating, was at least a confession of weakness. No man can believe that the Japanese would have yielded what they did yield at Portsmouth if they had not been physically and financially exhausted. They may have recovered from their physical exhaustion, but it is certain that they have neither paid their debts nor filled their war chests since the summer of 1905. The statesmen of Japan, who seem to measure up in capacity to those of any other nation, know that a bankrupt country can not wage war successfully against a wealthy one, particularly under the circumstances which surround this country and theirs. The poverty of Japan and the wealth of the United States both speak for peace.

It has been suggested by a gentleman who ought to know better that in a crisis of this sort Japan would be used as the tool of England and made the agency of Great Britain for wreaking vengeance on the United States to satisfy an enmity which is not explained and for purposes that no man can fathom. The suggestion is absurd and unwarranted by any facts of current or recent history.

I do not believe that there has been a day in the last ten years when any Government of Great Britain, Conservative or Liberal, would not gladly have entered into a treaty of arbitration with this country. That England would prefer not to share the trade of the East with us goes without saying. But the English people are clever traders and they would never throw away a great business for a small one, nor would they be so stupid as to shut out our grain and cotton from their own country in order to preserve a trade which is of less importance to them, less vital to them, in fact. The tables of our commerce with Great Britain, if carefully studied, should, it seems to me, satisfy any man not besotted with the lust for war that there is absolutely no danger of any trouble between that country and the United States. Then there is a higher plane upon which our relations with Great Britain might be considered. Blood is thicker than water. We speak the same language, hold the same traditions, and have inherited the same love of liberty that has been a conspicuous quality of the British since the barons had their trouble with King John. They are our kinsmen, bone of our bone, and in dealing with other races this is bound to have its influence. Although we may have our periods of irritation, although on two occasions we have actually come to blows with the English, no man can convince me that the great mass of Englishmen or any English government which derives its powers from the people will ever so actively sympathize with those of another race as to lead them to commit political and commercial suicide, both of which would be made almost certain by a war with the United States. This talk of war is ridiculous and wicked. Whether it is more stupid than sinful or more sinful than stupid I can not say. I believe it is the maximum of both.

Arbitration is an honorable, reasonable, and inexpensive way of maintaining peace. It is more in harmony with the platform of the Galilean and more consistent with modern civilization than the "big stick" or "big navy" plan which proposes to keep the peace by developing a power so great that it may crush the life out of opposition. Although it seems a long time coming, I still indulge the hope that the Christian and peace-loving people of this country will some time compel their own Government to write treaties of arbitration with all the other Governments of the world that are willing to enter into them. If I could have my way I would begin by making treaties with the smaller and weaker nations of the American Continent. I would then move steadily forward in the great work until finally the powerful nations of the earth, made ashamed by the noble example that the smaller nations had set them, would gladly seek the advantage of these covenants that are based on the Golden Rule.

I have never been able to appreciate the force of the argument that peace is best preserved by unusual preparation for war. Bringing that argument down to the range of personal observation I would suggest that the man who carries arms is the individual most apt to have personal difficulties. Nations, which

are but aggregated individuals, are governed by the same impulses and follow the same lines of reason, or unreason, as it is more apt to be.

The greed of nations, which is best controlled by treaties of arbitration, is what causes all the trouble. If the strong nations did not lust after the soil and sovereignty of the weaker there would be fewer wars. If we were not debauched by the same lust for other people's goods and government we would have fewer troubles of our own than we have had for the last ten years.

Nothing so marks the growth of the imperial idea in our country as the development of the Navy. All thoughtful and patriotic Americans admit that we need a good defensive Navy, but that is as far as they go. They are beginning to be awakened to the fact that we have gone far beyond their conservative views, and the end is not in sight. We have finally gone into competition with the greatest naval power on earth, and it is no uncommon thing to hear Americans say that we must not stop until we have a Navy equal to if not greater than that of England. To balance England's great war ship, the *Dreadnought*, we are urged to lay down two upon even more powerful lines. Where he got his figure of speech I do not know, but a distinguished clergyman said to me the other day that he detested the poker-playing suggestion that in the matter of building war ships we should always "go one better."

A year ago when this bill was being considered I asked the attention of the House to a comparison of our naval budget then and what it was in the last year of Mr. Cleveland's Administration. That comparison may still be studied with advantage, but it must be distressing to the thoughtful and patriotic American to whom I have referred.

The Navy is not for defense. Strictly speaking it is an offensive weapon. The integrity of our territory is secured by the coast defenses erected at an ultimate cost of nearly \$200,000,000 and in the stout hearts of the 80,000,000 Americans behind them. Perhaps I am to a degree wrong in that statement, for the Navy may be considered necessary for the defense of certain outlying and outlandish islands. But, Mr. Chairman, when the outlanders don't want our defense, or our sovereignty, it would seem that we are really paying too high a price for the privilege of thrusting the benefits of our political system on an unwilling people.

I do not suppose that any moderately well-informed man will deny the proposition that if we did not have the Philippines on our hands our naval expenses could be cut half in two and our military budget greatly reduced. There are very few men of even the most moderate information, no matter what their political faith may be, who are not ready to admit that the monumental blunder of our history was the annexation of those islands. We have dissipated our strength in assuming the burden of their defense. We have repudiated cherished principles by compelling them to accept a government which they do not want. We have complicated our vexatious race problem by making them our wards, and we are increasing the burden of our own taxes because we do not seem to have sense enough to get rid of an expensive nuisance.

My friend CHAMP CLARK of Missouri, who has the habit of forceful and interesting speech, hammered some wholesome truths over, if not into, the heads of Members the other day when he said that while we wanted more land and were trying to get it by draining swamps and watering the plains, we did not want the Philippines, because our children would never live there. The history of our people will show that he is absolutely right in that statement. Our race has usually recoiled from the Tropics, and when it has ventured in that direction the experiment has ended in disaster. The prolonged residence of white men in the Tropics has usually ended in physical and moral degeneracy. Sometimes they have adjusted themselves to the environment and debased themselves by a race merger with the natives, and the result has always been a mongrel who has done nothing worth remembering and who is capable of nothing worth doing.

After nearly four hundred years of efforts at colonization the number of people of European stock in tropical countries is a negligible quantity. The Philippines were occupied by the Portuguese and Spaniards before the English settled at Jamestown and Plymouth Rock. Nothing ever seriously impeded the development of the colonies of Plymouth and Jamestown. They grew in spite of all obstacles. Neither the hostility of the savages, who beset both these plantations, nor the occasionally desperate state of their fortunes could prevent the coming of other colonists or their growth into great and liberty-loving States. But the favor of kings and the nurturing care of the church was not equal to the task of making an important state out of the Philippines, and when the Americans landed at Manila, three



hundred and seventy-seven years after their discovery by Magellan, the natives were still mostly naked savages, who were being ruled and robbed by a handful of Spaniards.

No wonder Mr. CLARK says that American children will not go there. They instinctively know that their destiny lies in the Temperate Zone. Under these circumstances what incredible folly it is for us to go on squandering millions of the money of the American taxpayer to build a great Navy to hold islands which we do not want and can not inhabit if we wanted to.

We have wasted enough money already in the scheme of Asiatic colonization to deepen all the harbors and improve all the rivers in the United States. And what have we gotten for it? The bayonet-enforced right to govern some colored people on the other side of the earth, who never heard of us until they saw the muzzles of our guns and who, if they survive a thousand centuries, will, no doubt, always associate us with schemes of reconcentration and heroic feats of arms like that at Mount Dajo.

We have acquired a footing in the Asiatic storm center. We have provoked the jealousy of Europe and excited the dread of Asia. We have secured conditions out of which we may reasonably expect wars enough to keep our swords from rusting in their scabbards. These are so far the net results of our maneuvering on the China seas.

#### FORTIFYING THE PHILIPPINES.

It is now proposed to extend our coast defense project to the Philippines. This is a plan that was gotten up to protect American homes against assault from the outside. When completed it will cost nearly \$260,000,000. It is a large tax on the public treasury, but a burden which our people cheerfully bear. I do not believe that they will patiently submit to its extension to the Philippine Islands.

The number of guns proposed for these defenses, with the estimated cost of the guns, carriages, and emplacements, submarine mines, etc., is as follows:

*Proposed armament.*—Manila: Eight 12-inch mortars, eight 14-inch, four 12-inch, two 10-inch, four 6-inch, and fourteen 3-inch guns. Subig Bay: Eight 12-inch mortars, four 12-inch, three 10-inch, and twelve 3-inch guns.

#### Estimated cost of armament, etc.

|                                   | Manila.     | Subig Bay.  |
|-----------------------------------|-------------|-------------|
| Guns, carriages, and emplacements | \$4,435,930 | \$1,472,865 |
| Submarine defense                 | 709,106     | 276,310     |
| Power plants                      | 348,697     | 160,633     |
| Searchlights                      | 114,000     | 95,000      |
| Fire control                      | 561,086     | 243,391     |
| Total                             | 6,168,819   | 2,248,199   |
| Personnel required:               |             |             |
| Officers                          | 39          | 58          |
| Men                               | 1,049       | 1,563       |

These figures indicate, Mr. Chairman, that it is proposed to spend \$8,417,018 more for defensive works at the two places of Manila and Subig Bay than have already been spent. The estimates do not include the cost of eight 12-inch guns to be mounted at Manila and in Subig Bay, as these guns have already been manufactured from funds heretofore appropriated. The emplacements for six of these 12-inch guns and for four mortars have also been constructed from funds previously appropriated.

There are other points on the islands which our military advisers think should be fortified, if we are to retain them. Iloilo and Cebu will call for as many millions, perhaps, as Manila and Subig Bay, and for a corresponding increase in the personnel of the Coast Artillery.

Very few harbors in the United States will have as costly defenses as Manila. Galveston, for example, which had an outgoing trade in the last six months of 1906 twice as great as the import and export trade of all the Philippine Islands for the entire fiscal year ending June 30, 1906, will be defended by one-third the coast artillerymen required at Manila and Subig Bay and for less than one-third the cost.

Then, after all, there are military experts who do not believe that the islands can be put in a state of defense for any sum of money which will not be prohibitive.

Shall we persevere in this political folly and extravagance? I believe that when the American voter once has his conscience and judgment aroused he will command the abandonment of this strange and un-American policy of meddling with the affairs of Asia.

I have argued this question altogether from the point of view of the Americans and their interests. Now, with the permission of the House, I shall print an article which not only graphically describes political conditions in the islands, but

also undertakes to give the view of the Filipinos. It is not unreasonable to ask that they be considered in the settlement of their affairs.

The article is as follows:

[North American Review, January 18, 1907.]

#### PHILIPPINE INDEPENDENCE—WHEN?

[By James H. Blount, late judge of the court of first instance of the Philippine Islands.]

After seven years spent at the "storm center" of "expansion," the first of the seven as a volunteer officer in Cuba, the next two in a like capacity in the Philippines, and the remainder in the last-named country as United States judge, the writer was finally invalided home last spring, sustained in spirit at parting by cordial farewells, oral and written, personal and official. Having now been invited by the editor of the Review to prepare an article embodying his views as to our Philippine problem, he naturally enters upon a discussion of the subject with some degree of diffidence, because it involves calling in question the wisdom and righteousness of a policy inaugurated and carried out by a small group of distinguished men, under whom he shared in this nation's work beyond seas for a very considerable fraction of the average duration of life. However, he can truly say to all former fellow-workers:

"I have eaten your bread and salt,  
I have drunk your water and wine,  
The deaths ye died I have watched beside  
And the lives that ye led were mine.

"Was there aught that I did not share  
In vigil or toil or ease,  
One joy or woe that I did not know,  
Dear friends across the seas?"

In Charles Dickens's novel, *Bleak House*, there is a chapter entitled "Telescopic philanthropy," wherein is introduced the famous Mrs. Jellyby, the mother of a large and interesting family, "a lady of very remarkable strength of character, who devotes herself entirely to the public," who "has devoted herself to an extensive variety of public subjects at various times and is at present devoted to the subject of Africa, with a general view to the cultivation of the coffee berry and the natives," to the great prejudice of her domestic concerns and the neglect of her own children, the latter continually getting into all kinds of mischief while her attention is diverted from home. Seeing that the present Administration proposes to continue its policy of "benevolent assimilation" in the remote Philippines indefinitely, at whatever cost, the analogy between its attitude and Mrs. Jellyby's misplaced philanthropy toward "the people of Borrioboola-Gha, on the left bank of the Niger," is by no means remote.

Mr. Bryan maintains, substantially (see his newspaper, the *Commoner*, of April 27 and May 4, 1906):

(1) That the Filipinos want independence.

(2) That if protected from the great land-acquiring powers, "so far as their own internal affairs are concerned, they do not need to be subject to any alien government."

(3) That we should at once disclaim any intention of exercising permanent sovereignty over the archipelago and declare it to be our purpose to remain only long enough to see a stable government started, and then leave them to work out their own destiny.

Mr. Taft would probably have taken issue with Mr. Bryan on the first proposition up to the time he visited the islands in the summer of 1905, accompanied by a party of Senators and Congressmen. He will hardly do so now.

Senator DeBois, of Idaho, who was a member of the Congressional party referred to, has since said in the *New York Independent*:

"All the Filipinos, with the exception of those who were holding positions under and drawing salaries from our Government, favor a government of their own. There is scarcely an exception among them. There is nobody in the islands, no organization of any kind or description, which favors the policy of our Government toward them."

Senator NEWLANDS, of Nevada, also a member of the Congressional party aforesaid, has declared, in the number of this Review for December, 1905, that practically the whole people desire independence. Congressman PARSONS, also a member of the same party, has since said: "There is no question that all the Filipino parties are now in favor of independence."

Capt. J. A. Moss, of the Twenty-fourth Infantry, a member of General Corbin's staff, is quoted by Mr. Bryan in the *Commoner* of April 27, 1906, as saying, in an article published in a Manila paper while Mr. Bryan was in the islands, with reference to the wishes of "the great majority" of the Filipinos, that "to please them we can not get out of the islands too soon."

Mr. Bryan's second proposition, with which Mr. Taft takes issue, is that "so far as their own internal affairs are concerned, they do not need to be subject to any alien government," provided, of course, they are protected from the danger of annexation by some one of the great nations. If this proposition be sound, subject to the proviso, the proviso can easily be met. The foremost citizen of the world to-day, the man who brought the Japanese-Russian war to a conclusion and thereby won the high regard of all mankind, can, and if so requested by the Congress probably will, within a comparatively short period negotiate a treaty with the great nations, securing the neutralization of the islands and the recognition of their independence whenever the same shall be granted to them by the United States. If the powers should thus agree to consider the Philippines neutral territory forever, Mr. Roosevelt would have done for them exactly what has already been done for Belgium and Switzerland by treaty between the great powers of Europe. When the resolution of Congressman McCALL, of Massachusetts, proposing this was under consideration before the House Committee on Philippine Affairs on April 7, 1906, it met with a very considerable degree of sympathy, as is manifest from the official report of the hearing, the main objection apparently being that because there are a number of different dialects the Filipinos are a heterogeneous lot, and there is no spirit of Philippine nationality. Governor Taft said to the Senate committee in February, 1902:

"While it is true that there are a number of Christian tribes, so called, that speak different languages, there is a homogeneity in the people in appearance, in habits, and in many avenues of thought. To begin with, they are all Catholics."

The Philippine Census, published by the War Department in March, 1905, says (Vol. I, p. 447):

"A town in the Cagayan Valley presents the same style of architecture, the same surrounding barrios (suburban settlements or rural

hamlets), has the same kind of stores and similarly dressed people as a Christian municipality of the island of Mindanao."

And, says the same Government publication (Vol. II, p. 9), in drawing a comparison between itself and the schedules of the Twelfth Census of the United States:

"Those of the Philippine Census are somewhat simpler, the differences being due mainly to the more homogeneous character of the population of the Philippine Islands."

The existence of a general and conscious aspiration for a national life of their own, the real presence of a universal longing to be allowed to pursue happiness in their own way and not in somebody else's way is, to the best of such knowledge and belief as the writer obtained after two years' service in the Army that subjugated them, and four years in the insular judiciary, one of the most obvious and pathetic facts in the whole situation. During the organized fighting no American ever discovered that the enemy was crippled or his effectiveness diminished by the lack of a common language. And as for the national spirit, those people have been welded into absolute unity by the events of the last eight years. Rizal was shot for writing a political novel in which the Spaniards thought there was too much recognition of the "nationalist" idea. And if we should get into a war with a first-class power, and Aguinaldo or Juan Cailles, the man who crumpled the gallant Fifteenth Infantry in 1901, should raise the standard of revolt, let the impartial reader ask any American now in the Philippines, or any American who has spent much time there, how many natives between Aparri and Cagayan de Misamis would fail to understand and rally to the cry "Viva la Republica Filipina." Let us hope that if the McCall resolution ever comes up, again the committee will have become satisfied, beyond the peradventure of a doubt that there does in fact exist among all the people of the Philippine Islands a consciousness of racial unity, which draws them together as against all outsiders, and is not marred by any race problem such as exists in Cuba.

The independence of the Philippines should come about within a few years—that is, as soon as practicable—because it is best for both countries. We are governing them against their consent and at an enormous cost to both peoples. If the untold millions we have spent on "benevolent assimilation" since February 4, 1899, had been spent on rivers and harbors and canals and the improvement of our interior water transportation generally, the railroad-rate question would have solved itself without the need of a rate bill. And this is not the only one of Mrs. Jellyby's neglected children, not the only domestic problem which presents a subject for strenuous altruism sufficient to occupy all the patriotism and statesmanship of this great country with its eighty millions of people. If all the splendid ability and grim fortitude that have been concentrated during the last few years upon "telegraphic philanthropy" in the Philippines had been steadily focused upon the economic and social problems which are clamoring ever more loudly and ominously for solution at home, Hearst and Hearstism would never have arisen to voice a profound and widespread discontent having in it an element of righteousness.

But, returning to the core of Mr. Bryan's second proposition, namely, that "so far as their own internal affairs are concerned they do not need to be subject to any alien government," he further says (Commoner, April 27, 1906):

"There is a wide difference, it is true, between the general intelligence of the educated Filipino and the laborer on the street and in the field, but this is not a barrier to self-government. Intelligence controls in every government, except where it is suppressed by military force. \* \* \* Nine-tenths of the Japanese have no part in the lawmaking. In Mexico the gap between the educated classes and the peons is fully as great as, if not greater than, the gap between the extremes of Filipino society. Those who question the capacity of the Filipinos for self-government \* \* \* forget that \* \* \* patriotism raises up persons fitted for the work that needs to be done."

And here is the testimony of one of the most distinguished Congressmen who have visited the islands:

"I have little or no doubt that there are a sufficient number of wise and intelligent Filipinos to establish and maintain a government in the Philippines that will compare in liberality and effectiveness with a very great many of the governments that have been in successful operation for a century or more."

Edmund Burke once said, in a speech for which Americans have long delighted to honor his memory: "The general character and situation of a people must determine what sort of government is fitted for them. That, nothing else can or ought to determine."

The Congressman last above quoted talks of twenty years as a safe period of tutelage; Senators NEWLANDS and DUBOIS of thirty years; Mr. Bryan of five, or ten, or fifteen. But the gentleman last named insisted at the convention of 1904, and still insists, that we should make them a definite promise of independence now, the same to be executed as soon as practicable.

To this, the proposition of the Democracy, Mr. Taft's answer is: "The gentlemen that are looking for office under an independent government have very little concern about independence that is to come after they are dead; and if you permit their independence and make it a definite promise, you will have a continued agitation there as to when they ought to have independence." (Speech at Cincinnati, February 22, 1904.)

The imputation of selfishness put by this statement upon all Filipinos who desire independence is uncalled for. The gentlemen that are looking for office under an independent government could undoubtedly get office under the present government if they would only stop wanting independence. And "if you permit their independence and make it a definite promise," you will have no agitation to hasten the day, provided the promise itself fix the day. During nearly four years of service on the bench in the Philippines, the writer heard as much genuine, impassioned, and effective eloquence from Filipino lawyers, as exhibited in the trial of causes as much industrious preparation, and zealous, loyal advocacy of the rights of clients as any ordinary nisi prius judge at home is likely to meet with in the same length of time.

Some of these lawyers are ex-officers of the insurgent army. Each of them has his clients and is the center of a circle of influence. All of them, without exception, want independence. Of course the law of self-preservation precludes them from proclaiming this from the house tops, especially if they are holding office under the Government. But in their heart of hearts the dearest hope that each of them cherishes is that he may live to see the star of the Philippine republic risen in the Far East. Let a date be fixed by the United States Congress for turning over the government of the archipelago to its people, a date which will afford to the great majority of the present generation a reasonable expectation of living to see the independence of their country, and all political unrest, including most of the brigandage in

the islands, will at once cease. The news will spread "like wildfire," to borrow a famous phrase of our sunshiny Secretary of War. We shall have exchanged a balking horse for a willing one. The sullen submission of a conquered people will give place to genuine and universal gratitude toward America. The unborn national life will leap for joy in the womb of time. Te Deums will be celebrated in every church of every town in the archipelago from Aparri to Zamboanga. Aglipay himself may even say: "Now, Lord, let my schism depart in peace, for mine eyes have seen Thy salvation."

The great ocean steamship companies of the world publish the sailing dates of their vessels a year ahead. Everything else hinges upon this point of departure. All preparations, whether by crew, shippers, or prospective passengers, are shaped to that end. Why can not the same be done in the matter of the launching of a ship of state? If three strong and able men, familiar with insular conditions and still young enough to undertake the task—say, for instance, Gen. Leonard Wood, of the Army; Judge Adam C. Carson, of the Philippine supreme court, and W. Morgan Shuster, collector of customs of the archipelago, or three other men of like caliber—were told by a President of the United States, by authority of the Congress, "Go out there and set up a respectable native government in ten years, and then come away," they could and would do it, and that government would be a success, and one of the greatest moral victories in the annals of free government would have been written by the gentlemen concerned upon the pages of their country's history.

To understand the causes of the present discontent and how incurable it is except by a promise of independence at a fixed date, let me review this tragedy of errors which we have written in blood and selfish legislation in that unhappy land, as rapidly as may be consistent with clearness and commensurate with the ability of an inconsiderable person, an individual whose only claim to be heard upon a great question like this must rest upon the circumstance that he was an eyewitness to the tragedy.

When trouble began to brew in the Philippines after the signing of the treaty of Paris, the Schurman Commission, it will be remembered, was sent out, bringing the olive branch. It accomplished nothing. It was too late. War ensued. When the writer reached Manila early in November, 1899, he was detailed to the command of a company of Macabebe scouts, to develop fire for General Lawton's division, their commanding officer, Lieutenant Bontelle, of the artillery, having been killed the day before. On the way to join them he met General Lawton's adjutant-general at a place called San Isidro. The colonel said: "We took this town last spring, after a pretty stiff fight. Then, as a result of the negotiations of the Schurman Commission, General Otis had us evacuate this place and fall back. We have just had to take it again." The Schurman Commission hoped that the Filipinos could be persuaded to give up their idea of independence. The Army knew better.

In the first half of 1899 General Otis inexcusably postponed recommending to President McKinley the call for Federal volunteers. He did not really understand the seriousness of the situation. He conducted the campaign all the time he was there from a desk in Manila, and never once took the field.

The Volunteer Army of 1899 was to last, under the act of Congress, for two years only—that is, until the close of the fiscal year ending June 30, 1901. The insurrection had to be over at that time, whether or no. To use an expression of the theatrical managers, that date was to be "positively its last appearance." The volunteers began their work in the fall of 1899, twenty-five regiments of them, and, shoulder to shoulder with the regulars, pegged away cheerfully at the war, doing their country's work; and they had been vigorously convincing the Filipinos of the benevolence of our intentions for about nine months when the idea of a second Philippine Commission, a second olive branch, was conceived at Washington. The Presidential election was to occur in the following November, and men high in the councils of the Republican party at home believed that the success of the party would be seriously imperiled if the situation did not soon clear up, or at least improve, in the Philippines. The public press of that period contains interviews with such men of the tenor indicated. In this state of the case the Taft Commission was sent out. Things looked dismal. Philippine stock was going down. Optimism was devoutly to be wished. Judge Taft did not disappoint his friends at home. He was not then a judge. He was a partisan of the Republican party, an advocate. And, like many another able advocate, he persuaded himself that the witnesses whose testimony militated against his client's interest were, if not mendacious, at least blinded with prejudice. He accepted the views of natives not in arms as against that of the Army.

In June, 1900, when the Taft Commission arrived, the military authorities had not forgotten the Schurman Commission and the folly of its efforts to mix peace with war; and they did not look forward with enthusiasm to the coming of the new outfit. These latter brought with them, like the Schurman Commission, the theory that kindness would win the people over; and they at once proceeded to act conformably to that amiable delusion. Of course it was not long before they found abundant evidence to support their preconceived theory. Accordingly, on November 30, 1900, they made their first report to the Secretary of War, in which, among other things, they announced this tragically optimistic conclusion:

"A great majority of the people long for peace, and are entirely willing to accept the establishment of a government under the supremacy of the United States."

The Army entertained a diametrically opposite opinion. The military view of the situation about the same time was thus satirically expressed in General MacArthur's annual report to the Secretary of War:

"\* \* \* The people seem to be actuated by the idea that in all doubtful matters of politics or war, men are never nearer right than when going with their own kith and kin."

Allusion is then made to the "almost complete unity of action of the entire native population." That such unity is a fact is too obvious to admit of discussion. That follows this humorous thrust:

"\* \* \* The adhesive principle comes from ethnological homogeneity, which induces men to respond for a time to the appeals of consanguineous leadership."

If the volunteers whose term of enlistment was scheduled to expire with the fiscal year, June 30, 1901, should have to be replaced by anything like an equal number of other troops, a call for further appropriations to conduct a long-drawn-out and unpopular war would surely try the patience of the American people and endanger the ultimate fortunes of the Republican party. Everything had to be shaped to avoid such a catastrophe. Whether the country should be ready for civil government on that date or not, it had to be. When Joel Chandler Harris's creation, "Uncle Remus," tells his little friend the story of Bree



Rabbit's climbing the tree to elude the dogs, and the lad interrupts: "But, Uncle Remus, a rabbit can't climb a tree," the resourceful narrator very promptly replies: "Oh, but, honey, dis rabbit des 'bleeged ter climb dis tree." The Administration was "bleeged" to climb the tree of civil government. Civil government was therefore duly inaugurated on July 4, 1901.

Within less than six months thereafter the flames of insurrection broke out anew in Batangas and the adjacent provinces, and it became necessary to give the military a free hand. General J. Franklin Bell accordingly invaded Batangas and the region round about with an ample force, a brigade, and proceeded to wage war—the sort of war General Sherman described, only more so, for General Sherman did not practice reconcentration. General Bell went there to make those people "long for peace." And he did make them "long for peace," or, to use his own language, "want peace and want it badly." General Bell is not to be blamed for this. He is a brave and skillful soldier, one of the best in our own or any other army. He was simply doing his duty, obedient to orders. This Batangas insurrection of 1901-2 would never have occurred had not Governor Taft persisted in believing that the Filipinos could be genuinely satisfied with something less than independence. This error led him to reduce, most imprudently, the army of occupation and the number of Army posts, against military advice, thereby giving the insurrection a chance to get its second wind. If the army of occupation had not been so reduced, reconcentration would never have been necessary in Batangas or elsewhere. Reconcentration tactics are born of numerical weakness. If you have troops enough thoroughly to police a given territory, no need for reconcentration will arise there. Reconcentration is an admission that you are not able constantly to provide protection for all the people. As a corollary of the fundamental mistake indicated, a constabulary force was organized, which, it was believed, could control the situation. That it has never been able to do so is a matter of record in the official publications both of the Manila and of the Washington Government. The fact is solemnly admitted in the recitals of a law now on the statute books of the Philippine Islands. Section 6 of act No. 781 of the Philippine Commission, approved June 1, 1903, providing for reconcentration, begins thus:

"In provinces which are infested to such an extent with ladrones or outlaws that the lives and property of residents in the outlying barrios are rendered wholly insecure by continued predatory raids, and such outlying barrios thus furnish to the ladrones or outlaws their sources of food supply, and it is not possible, with the available police forces constantly to provide protection, etc."

Such are the conditions which to-day warrant reconcentration in the Philippines—whenever "it is not possible with the available police forces" to protect the peaceably inclined people. It will thus be seen that we are now doing in the Philippines the very thing for which we drove Weyler and his Spaniards from the Western Hemisphere. Reconcentration under the military authorities is bad enough, even with the superb equipment of the commissary and quartermaster departments of the Army. But reconcentration conducted by inexperienced civilians and unfriendly constabulary is simply unsportsmanlike.

Caring for the peaceably inclined people, or pacificos, as they were called in Cuba—those who upon being told to do so voluntarily came within the zone or radius prescribed in the order for reconcentration—is not the only problem which can be competently handled by the military alone. There are the prisoners brought in by the policing force, from time to time, because found outside the prescribed radius, and put in the provincial jail. An ordinary jail, with 400 to 800 people crowded into it within a short period of time, can not be properly handled by inexperienced hands. The sanitary conditions are sure to become bad and foul, and more or less disease and death is certain to ensue.

In the latter part of 1903, about the middle of November, the writer was sent to hold court in the province of Albay, where quite a formidable insurrection had been in progress for about a year without suspension of civil government. There had been as many as 1,500 men in the field on each side at times. Reconcentration under the law quoted had been resorted to. There had been as many as 700 or 800 prisoners in the provincial jail at one time, so he was told. Toward the close of the term, just after Christmas, when most of the docket had been disposed of, and there was time for matters more or less perfunctory in their nature, the prosecuting attorney brought in rough drafts of two proposed orders for the court to sign. One was headed with a list of fifty-seven names, the other with a list of sixty-three names. Both orders recited that the foregoing persons had died in the jail—all but one between May 20 and December 3, 1903 (roughly six and one-half months), as will appear from an examination of the dates of death—and concluded by directing that the indictments against them be quashed. The writer was only holding an extraordinary term of court there, and was about to leave the province. The regular judge of the district was scheduled soon to arrive. He did not sign the proposed orders, therefore, but kept them as legal curios. A correct translation of one of them appears below, followed by the list of names which headed the other (identical) order:

The United States of America, Philippine Islands, eighth judicial district, in the court of first instance of Albay.

The United States against Cornelio Rigorosa, died December 3, 1903; Fabian Basques, died September 25, 1903; Julian Nacion, died October 14, 1903; Francisco Rigorosa, died October 18, 1903; Anacleto Solano, died November 25, 1903; Valentin Cesillano, died November 6, 1903; Felix Sasutona, died September 26, 1903; Marcelo de los Santos, died June 3, 1903; Marcelo Patingo, died November 15, 1903; Juan Raynante, died September 7, 1903; Dionisio Cariflaga, died October 4, 1903; Felipe Navor, died September 17, 1903; Luis Nicol, died November 23, 1903; Balbino Nicol, died September 23, 1903; Damiano Nicol, died November 23, 1903; Leoncio Sabalburro, died November 20, 1903; Catalino Sideria, died July 25, 1903; Marcelo Ariola, died October 26, 1903; Francisco Cao, died November 26, 1903; Martin Olagner, died November 13, 1903; Juan Neric, died November 16, 1903; Eufemio Bere, died November 21, 1903; Julian Sotero, died October 30, 1903; Juan Payadan, died September 20, 1903; Benedicto Milla, died July 30, 1903; Placido Portage, died June 13, 1903; Gaudencio Oguita, died October 11, 1903; Alberto Cabrera, died September 8, 1903; Julian Payadan, died August 4, 1903; Eusebio Payadan, died August 10, 1903; Leonardo Rebusi, died November 2, 1903; Julian Riobaldis, died October 2, 1903; Victor Riobaldis, died October 23, 1903; Mauricio Balbin, died September 27, 1903; Tomas Rigador, died July 23, 1903; Mignel de los Santos, died July 28, 1903; Eustaquio Mapula, died November 18, 1903; Eugenio Lomibao, died November 1, 1903; Francisco Luna, died August 7, 1903; Gregorio Sierte,

died October 31, 1903; Teodoro Patingo, died November 21, 1903; Teodorico Tua, died September 23, 1903; Ceferino Octia, died November 10, 1903; Graciana Pamplona, died September 12, 1903; Felipe Bonifacio, died November 26, 1903; Baltazar Bundi, died October 12, 1903; Julian Locot, died October 13, 1903; Francisco de la Punta, died August 20, 1903; Pedro Madrid, died August 24, 1903; Felipe Pusquit, died July 17, 1903; Ruffo Mansalan, died July 14, 1903; Ignacio Titano, died June 20, 1903; Alfonso Locot, died June 29, 1903; Gil Locot, died May 23, 1903; Regino Bitarra, died September 7, 1903; Bonifacio Bo, died August 2, 1903; Francisco de Belen, died September 29, 1903.

#### DECREE.

The defendants above named, charged with divers crimes, having died in the provincial jail by reason of various ailments, upon various dates, according to official report of the jailer, it is

Ordered by this court, That the cases pending against the said deceased persons be, and the same are hereby, quashed, the cost to be charged against the government.

Albay, December 28, 1903.

#### Judge of the Twelfth District Acting in the Eighth.

The foregoing order contains fifty-seven names. As indicated in the text, the second order was like the first. It contained the names of sixty-three other deceased prisoners, as follows, to wit:

Anacleto Avila, died September 2, 1903; Gregorio Saquedo, died July 21, 1903; Francisco Almonte, died October 11, 1903; Faustino Sallao, died October 9, 1903; Leocadio Pena, died October 16, 1903; Juan Ranuco, died October 16, 1903; Esteban de Lima, died February 4, 1903; Estanislao Jacoba, died October 7, 1903; Macario Ordiales, died October 10, 1903; Laureano Ordeales, died October 27, 1903; Reimundo Narito, died October 4, 1903; Antonio Polvorido, died September 12, 1903; Norverto Melgar, died June 14, 1903; Bartolome Rico, died November 8, 1903; Simon Ordiales, died September 13, 1903; Candido Rosari, died September 29, 1903; Saturnino Vuelvo, died October 18, 1903; Vicente Belsalda, died May 26, 1903; Felix Canaria, died June 12, 1903; Pedro Cuya, died July 26, 1903; Evaristo Dias, died July 24, 1903; Felix Padre, died July 8, 1903; Alberto Mantes, died August 7, 1903; Joaquin Maamot, died September 5, 1903; Santiago Cacerio, died May 28, 1903; Hilario Zalazar, died July 26, 1903; Tomas Odsinada, died October 1, 1903; Julian Oco, died October 4, 1903; Julian Lontac, died August 27, 1903; Ambrosio Rabosa, died September 19, 1903; Mariano Garcia, died September 12, 1903; Ramon Madrigalejo, died August 19, 1903; Albino Oyardo, died October 1, 1903; Felipe Rotaria, died September 29, 1903; Urbano Saralde, died October 5, 1903; Gil Mediavillo, died June 13, 1903; Egidio Mediavillo, died June 16, 1903; Mauricio Losano, died October 5, 1903; Bernabe Carenan, died September 27, 1903; Pedro Sagaysay, died September 29, 1903; Laureano Ibo, died August 5, 1903; Vicente Sanosing, died July 17, 1903; Francisco Morante, died June 10, 1903; Anatollo Sadullo, died September 16, 1903; Lucio Rebeza, died August 27, 1903; Eugenio Sanbuena, died August 13, 1903; Nicholas Oberos, died August 26, 1903; Eusebio Rambillo, died September 13, 1903; Tomas Rempillo, died August 19, 1903; Daniel Patasin, died August 19, 1903; Ignacio Bundi, died September 7, 1903; Juan Locot, died May 23, 1903; Zacarias David Padilla, died August 7, 1903; Juan Almazar, died September 12, 1903; Rufino Quiji, died June 13, 1903; Antonio Brio, died June 13, 1903; Timoteo Enciso, died September 12, 1903; Hilario Palaad, died August 28, 1903; Ventura Prades, died May 24, 1903; Alejandro Alevanto, died May 22, 1903; Rufino Pelicia, died May 20, 1903; Alejo Bruqueza, died July 19, 1903; and Prudencio Estrada, died September 15, 1903.

If the military authorities had had charge of those prisoners it is safe to say that the mortality among them would have been far less, that possibly half, or even three-fourths, of those who died would have lived. Political necessity, inherent in our form of government, kept the Army from acting then and keeps it from talking now.

When the civil government was set up in July, 1901, the Army took a back seat and looked on with more or less impatience, ready to say, "I told you so"—eager, of course, to get a chance to fight again. Gentlemen of the military profession have a predilection that way. The writer was, of course, entirely in sympathy with the civil authorities, having been promoted from the Army to the judiciary, and rather enjoyed seeing the Army behave with becoming subordination, according to orders, even if it did not like to do so. It is human nature to enjoy the possession of power. Nor did he ever give much thought one way or the other to the question of the original wisdom of setting up the civil government against military advice until he became aware of the death of these 120 prisoners in the Albay jail. This gave him pause. It was impossible to escape the reflection that just about that number had died in the Black Hole of Calcutta. After that, however, he labored all the harder to uphold the civil government by speedy trials of persons incarcerated, with a view to minimizing the necessity for the suspension of the writ of habeas corpus; and, finally, early in November, 1904, in the province of Samar, broke completely down in health from trying to dispose properly of overcrowded jails before the people awaiting trial died. The province of Samar was at that time being overrun by several thousand brigands, representing primarily the embers of the late war fanned into flame by the exactions of the taxgatherer and the usurer, and in less than one hundred days more than 50,000 people had been made homeless by their depredations, according to the sworn testimony of a constabulary officer of the province who appeared as a witness before the court presided over by the author of this paper. This witness did not attempt to estimate the number that had been killed, wounded, or kidnapped. Why was not the situation turned over to the military authorities? It was later. But is an ambitious chief of constabulary of a civil government going to admit, on the eve of a Presidential election in the United States, that the public disorder in the Philippines is too great for him and his corps—the right arm of the civil government—to handle?

When the constabulary can not protect the peaceably inclined coast people these latter are compelled, even if they are not already in active sympathy with their harder brethren of the highlands, to get up a modus vivendi whereby they become, ipso facto, accessories to the crime of "brigandage," technically at least. The writer did not meet this ugly proposition in concrete form in the case of any specific defendant. But it would have come sooner or later had he remained in Samar. He left that ill-fated island November 8, 1904, determined, if he could get well, to ask to be stationed in Manila. For, as Edmund Burke said in his speech on "Conciliation with America," "I do not know the method of drawing an indictment against a whole people."

Looked at from the oriental end of the line, the governing of the Philippines by their supposed friends from the antipodes has been not unlike a game of battledoor and shuttlecock between rival political

creeds at home, in which the unfortunate inhabitants have been the shuttlecock.

Space does not remain sufficient to do more than briefly suggest how true this is also of the Washington end of the line.

For the benefit of American cotton manufacturers, cheap English textiles, previously worn by and satisfactory to millions of poor natives, have been shut out of the Philippines by a practically prohibitive import duty, a surtax of 100 per cent imposed by the United States Congress. (Act of Feb. 25, 1906.)

For the benefit of American shipping interests, the Philippines have been treated by our maritime legislation as part of the United States by extension of the coastwise shipping laws to the archipelago.

For the benefit of American sugar and tobacco interests, the Philippines have been treated by our tariff legislation as foreign territory. Those interests defeated the effort to give to the islands the benefit of a reduction of the duty on Philippine products to 25 per cent of the Dingley tariff, their representative insisting before the Committee on Ways and Means, almost in the language of Mrs. Jellyby's critics, "I believe our own children have more claim upon us." The leading Filipinos perceive, as clearly as we Americans do, that in the nature of things this sort of argument will always be an obstacle in the path of their progress so long as human nature retains a modicum of selfishness.

The instinct of self-preservation of our own sugar and tobacco producers would surely be satisfied with and lend their support to a free-trade, or at least a lower tariff, measure between this country and the Philippines, if the same were coupled with a promise of independence within a decade. This seems to be the only solution that is at once righteous and practicable. It is the only lever that will lift the Philippine ship of state upon the ways, and launch her successfully upon the voyage of national life.

JAMES H. BLOUNT.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, \$121,340: *Provided*, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen, unless a certificate of birth or written evidence, other than his own statement, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment.

Mr. GRANGER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 3, after the word "statement," strike out the comma and insert the words "or statement of another based thereon."

Mr. FOSS. Mr. Chairman, I desire to reserve the point of order.

Mr. GRANGER. Mr. Chairman, a year ago this provision which has been just read was, after considerable debate, inserted in the bill of that year and has been repeated in the present bill. It has, however, sir, utterly failed to carry out the desires of the House. At that time the purpose of the House in voting the amendment offered by the gentleman from Massachusetts [Mr. KELIHER] was to provide that boys 14, 15, and 16 years of age should not be enlisted solely on their own statement of their age; that they should, in the absence of their parents' consent, provide a certificate of birth or written evidence other than their own statement satisfactory to the recruiting officer. During the past year I have had several cases called to my attention, of one of which I will speak. A boy runs away from home, goes to a recruiting station, and tells the recruiting officer he is 18 years of age when he is only 16. The recruiting officer then says, "Go right around the corner to Mr. So-and-so and make your statement to him." He goes around the corner, comes back within two hours with a sworn statement from the person to whom he is sent by the recruiting officer that he has been appointed guardian of the boy, and having made diligent inquiry is satisfied that the boy was born at such and such a time. The instance which I have in mind is one which occurred in the city of New York. A boy in my State ran away from a good home, from parents who were amply able and willing to care for him. He was then 16 years of age. He ran away, to the great distress of his parents, to New York. He went to the recruiting officer, and I have here a copy from the Navy Department of the captain's letter to the Chief of the Bureau of Navigation, which states the case as follows:

NAVAL RECRUITING STATION,  
87 South Street, New York, December 7, 1906.

Sir: I have to acknowledge the receipt of instructions from the Chief of Bureau to make a detailed report of all the facts connected with the enlistment of Abraham Bander at this station on August 28, 1906.

Bander presented himself at the station for enlistment on August 28; he was questioned by me personally as to his age, parentage, etc.; then he was required to write out a formal application for enlistment. As he claimed to have no parents or guardian, I sent him to Mr. Herbert Van Dyke to secure a sworn certificate of his age; on his return to the office with this certificate, he was sworn in and sent to the training station at Newport.

I inclose the written application of this boy, in which he states that

"An eloquent and indignant protest against this by Rev. Charles H. Brent, Episcopal bishop of the Philippines, appeared in the Outlook for July 19, 1906.

he was born on April 3, 1888; I also inclose the sworn certificate which he brought from Mr. Van Dyke.

I very much regret the frequent occurrence of such cases at this station. Every precaution is taken to prevent illegal enlistments, and candidates are strictly examined by the recruiting officer before their applications are considered. If they will falsify as to their age and parentage and if they pass the required physical examination, I can not refuse to accept them. If at any time the appearance of the boy leads the doctor or recruiting officer to doubt the authenticity of his age statement, the candidate is promptly rejected.

Very respectfully,

D. D. V. STUART,

Captain, United States Navy, and Recruiting Officer.

The CHIEF OF BUREAU OF NAVIGATION,  
Navy Department.

Mr. FOSS. May I interrupt the gentleman?

Mr. GRANGER. Certainly.

Mr. FOSS. Whose statement did the gentleman take—the statement of the boy in regard to this matter?

Mr. GRANGER. I take the statement of this letter from the captain, which was furnished me from the Navy Department.

Mr. FOSS. Do I understand he makes the statement that the recruiting officer sent this boy to somebody to make a false statement?

Mr. GRANGER. He says that, "as he claimed to have no parents or guardian, I sent him to Mr. Herbert Van Dyke to secure a sworn certificate of his age."

That is the statement. On his return to the office with this certificate he was sworn in. Mr. Herbert Van Dyke, to whom he was sent, makes this sworn statement:

STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK, ss:

Herbert Van Dyke, being duly sworn, says: That he is the guardian of Abraham Bander, who has applied for enlistment as apprentice seaman in the United States Navy; that he, deponent, has made diligent investigation as to the nativity of said Bander, and is satisfied that he was born on the 3d day of April, 1888, at Providence, R. I., U. S. A.

HERBERT VAN DYKE.

Sworn to before me this 28th day of August, 1906.

[SEAL.]

GEORGE A. MINASIAN,

Notary Public, Kings County.

Certificate filed in New York County.

It was the same day that Captain Stuart says he sent him to Herbert Van Dyke. I wrote to Herbert Van Dyke and asked him to kindly tell me of what his "diligent investigation" consisted, and what evidence he had other than the word of the boy himself as to his age and his birthplace. He never replied to my letter, and, my letter having never been returned to me, I have every reason to suppose he received it. I am informed by the Navy Department that Mr. Van Dyke is in the business of acting as guardian for runaway boys; that he takes them as he did this boy—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRANGER. Mr. Chairman, I ask unanimous consent that I may be allowed five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRANGER. According to the statement of the Department, Mr. Van Dyke takes these boys and goes to the surrogate court and becomes their guardian. I have no doubt that he is a philanthropic man, one of those professional philanthropists who do a great deal of good in the world, but he does not stop to think that he helps to break up homes or that he brings trouble and sorrow, as he did in this case, into a good home, where he allowed a boy of 16 years of age to hoodwink the Government and go into the Government service at a time when he should not have been allowed there.

Now, Mr. Chairman, the amendment which I offered is a very simple one. If this clause is to be kept in the bill at all, it should be made effective. The words which I offer are simply as to the evidence other than his own statement—that is, the statement of the person who is about to be enlisted or statement of another based thereon—that is, that the "other evidence" shall not be based upon the statement of the person who desires to enlist. Under the present condition of things the boy makes the same statement, which is not sufficient to allow him to be enlisted by making it to the recruiting officer, but he makes it to somebody else, say, to Mr. A., and then Mr. A. makes an affidavit that he has made that statement, and then the boy comes back and gets around the law. It is merely enlisting the boy under his own statement. All along the Atlantic seacoast, and within the range of the Atlantic seacoast, where boys are attracted at the age of 14, 15, and 16 by the circulars and advertisements that are put up by the Navy Department, boys are being continually taken away from home. And I say, Mr. Chairman, that I do not believe that it is necessary that the United States should undertake to fill its Navy by offering inducements to, or by encouraging the running away of, 15 and 16 year old boys from their homes to enter the Navy. I believe we should offer sufficient inducements in order that men who have reached the age of 21 should enlist, or else



we should keep out boys unless they bring satisfactory evidence. Does the gentleman from Illinois [Mr. Foss] wish to discuss the point of order? I ask this, because I wish to speak on that if he intends to press it.

Mr. FOSS. Mr. Chairman, I do not press the point of order, but I object to the amendment. Last year we inserted a provision that the applicant desiring enlistment shall furnish a certificate of birth or written evidence, other than his own statement, satisfactory to the recruiting officer.

I may say that that provision, which we recommend in the appropriation bill this year, was inserted last year by the House, and the Chief of the Bureau of Navigation says it has worked to great disadvantage in enlisting men for the Navy. In the Army, I am informed, there is no requirement for any certificate of birth or any other evidence. In the enlistment in the Marine Corps there is no requirement for certificate of birth or any other evidence. But a boy goes to the recruiting officer of the Navy and he must furnish a certificate of birth or written evidence, other than his own statement, satisfactory to the recruiting officer. Not so with the Army or Marine Corps. Now, the gentleman's provision has, further, a greater requirement. It often occurs, for instance, that a boy goes to a naval recruiting office and can not furnish the certificate of birth, but he goes right over to an Army recruiting office or Marine Corps recruiting office and is enlisted.

Now, I will say, Mr. Chairman, that we are behind on enlistments. It is very difficult to obtain this certificate of birth. It has only been in recent years that some municipalities have provided an office where the certificates of birth are registered. It is, I may say, during the last ten years in some municipalities and communities this has been provided; and it is very difficult to secure these certificates. It seems to me that we ought not to make it any harder than it is at the present time for boys to get into the Navy who desire to get in. I hope this amendment will be voted down.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois forgets that there has not been the same difficulty about enlisting boys in the Army that there has been about enlistments in the Navy. The naval service, before boys get into it, is very attractive; after they are in the service it is not so attractive. The result has been in the past that a great many boys have run away from their homes, misstated their age, and after getting into the service there has been considerable difficulty to get them out. This provision was put in the bill last year to compel boys to procure either a written certificate of birth or some other written evidence that they had attained the age necessary to permit them to enlist. The gentleman from Illinois expresses the hope that no further difficulty will be placed in the way of these boys entering the service. I hope that every possible difficulty will be placed in the way of permitting a minor to enlist in the service without the permission of his parents or his guardian. What is the effect when a boy does so enlist? If the parent applies to the Department to have the boy discharged, notice is given that if he exercises the right to take the boy out of the service, the boy will be court-martialed for perjury and imprisoned for two years in a naval prison. Those who have the control of minor children are entitled to some consideration. The Department should do its utmost to prevent these boys going into the service ill advisedly. They are of no benefit to the service. If they be not discharged, they desert, and we have continual difficulties arising from boys enlisting without the consent of their parents and guardians, being refused their discharge, leaving the service of their own volition, obtaining employment, then being apprehended by private detectives who receive a reward from the Department for the return of these deserters. If this proposed amendment of the gentleman from Rhode Island will prevent these wild boys, these boys who are ill advised, from going into the service without the consent of their parents or guardians, it ought to be adopted, and any other amendment that would prevent them going into the service, except with proper consent, should be enacted into law.

The mere fact that the Department is suffering from the want of boys and men is no excuse for taking in improperly boys who imagine they will be satisfied in the service, but who quickly become discontented and make trouble for themselves, their parents, and everybody connected with the Government. I hope if this amendment will effect the desired result it will be adopted.

The gentleman from Rhode Island called my attention to this case some time ago. There is a gentleman in New York who is a philanthropist who makes it a business to look after boys who are homeless, and he seems to make it a special business to have himself appointed guardian by a court in the State so that he can give the consent required by the State for a boy

to enlist. This boy, having run away from his home, with his father and mother living in Providence, applied to the enlistment officer in New York without being able to furnish certificate of birth or other written evidence that he had attained the age that would enable him to enlist. The recruiting officer—the boy having stated that he had no parents—suggested that he visit the office of the philanthropist. That gentleman had him sign an application to the court for the appointment of him as the boy's guardian. The boy swore his mother and father were dead, and prayed that the court appoint this man, whom he had never seen more than two or three minutes, as his guardian. The action had was purely of a formal nature, the order was signed, and thereupon this man signs this certificate, gives it to the boy, and the boy takes it and goes back to the same recruiting officer and is immediately enlisted in the naval service. Here is the case of a boy with a certificate from a man who has been appointed his guardian, appointed upon a false statement of the boy, and his parents unable to take him from the service except upon condition that the boy shall be court-martialed and punished for perjury. It seems to me that the House should do whatever it can to prevent a recurrence of such a transaction, and I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE. Mr. Chairman, I wish to indorse all the remarks that have been made by the gentleman from Rhode Island, who introduced the amendment, and also of the gentleman from New York, who has so clearly stated the case. I know of a great many cases similar to that related by the gentleman from Rhode Island, where young men under the age of 18 have run away from their homes and enlisted, and afterwards many of them becoming dissatisfied with the Navy, because they are too young to enter it, have deserted, being then hounded by officials and in some cases arrested and imprisoned, destroying their hope for future preferment in any kind of service. The fact that the Navy needs the boys is of course made clear to us by the statement of the chairman of the committee, but that fact alone should not weigh against the amendment offered by the gentleman from Rhode Island, for in my judgment it is better to protect the youth from the liability of the trouble that arises from enlistments of boys too young and unfit for the service. I trust the amendment will be adopted. I feel sure that it will work well in the section of the State where I reside, and believe that it will work well everywhere for the better protection of the youth, and for the protection of the fathers and mothers who do not want their children taken from them in an unjust way.

Mr. FOSS. Mr. Chairman, I think we are too apt to listen to the stories of the boys and not to investigate all sides of the question. I know I have had a good many applications for discharges from the Navy, for one cause or another, but when I came to look up all of the facts never in a single instance have I found that the naval recruiting officer was at all to blame. These boys come to the recruiting offices and are very anxious to get into the Navy. They are full of the naval spirit; but after they get into the Navy and see that it means good hard work, then they want to get out, and very frequently they tell all kinds of stories and appeal to the sympathies of Members of Congress. I want to say that so far as the recruiting officers are concerned, I think they have been honest and conscientious in the discharge of their duties. Admiral Converse, Chief of the Bureau of Navigation, and who is, in my judgment, one of the ablest officers in the American Navy to-day, speaking before the committee, said that most of the recruiting officers are very apt to err on the safe side, and are unwilling to accept any man unless they can get very good testimony in regard to his age. Now, what I do insist on is that we ought to make the same provision here for the Navy that we do for the Army and the Marine Corps. Last year we hedged about the applications for enlistment with additional provisions, which are in the law to-day, and which the committee recommend to remain in the law for the coming year, although those provisions have had a very disadvantageous effect upon enlistments. For instance, in the months of July and August, at Boston and various substations, there were 1,752 candidates presented themselves for enlistment, and of that number 200 passed. There were 966 who failed to present evidence of age and were rejected at Boston and substations during the months of July and August. That shows that the naval recruiting officer is carrying out the provisions of the law.

Mr. GRANGER. Mr. Herbert Van Dyke does not live in Boston.

Mr. FOSS. I hope that the Members of the House will not be moved by these appeals in cases which come up, where I think Members pay too much attention to the stories of the boys and do not look thoroughly into all the facts in regard to the partic-

ular cases of enlistment. As I said before, the restrictions around the matter of enlistment in the Navy are a great deal more stringent to-day than they are in the Army or Marine Corps. For that reason I do not think that we ought to make them any more so, thereby checking the enlistment of men whom we are short of in the naval service.

Mr. McNARY. Mr. Chairman—

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. McNARY. I move to strike out the last word.

Mr. FOSS. I move to close debate.

Mr. PERKINS. I ask that the amendment be again reported.

The CHAIRMAN. The gentleman from Illinois moves to close debate.

Mr. McNARY. I had my motion in first.

The CHAIRMAN. The gentleman from Massachusetts was not recognized.

Mr. FOSS. I move to close debate in ten minutes.

The CHAIRMAN. On this amendment or on the paragraph?

Mr. FOSS. On the paragraph and amendments thereto.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this paragraph and amendments thereto be closed in ten minutes.

The question being taken, the motion was agreed to.

Mr. McNARY. Mr. Chairman, it seems to me that the gentleman from Illinois [Mr. Foss] is not meeting this question squarely. I do not understand that anybody here has impugned the honor of the recruiting officers. As I understand the purpose of this amendment, it is to make clearer the fact that the boy himself must present absolutely reliable evidence, and not present evidence that appears to be fair and conclusive by means of fraud and duplicity. Now, if the naval officer accepts the evidence of the boy presented and believes it to be true, it is not necessarily duplicity on the part of the officer, but we desire to have the matter put in such a form that there will be no opportunity of fraudulent enlistment.

I believe in the American Navy and in upbuilding it, but every man from the northern stations, from Boston, New England, down the Atlantic seaboard, knows full well that there has been great and grievous complaint as regards the method of enlistment of boys in the Navy, and that we have been unable to get these boys out of the Navy, even though they were enlisted fraudulently and under age, and even though their guardians and parents demanded their release, because the Navy Department officials threatened the boy with prosecution for perjury.

Now, we desire to have this matter made clear and definite, and if there be boys—and there ought to be plenty of them—who seek to enter the American Navy, let them do it honorably and start their career in the right way, in truth and honesty, and not have them go in by fraudulent representations and perjury. It is certainly a queer school in which to start a boy if you expect to make him a truthful and honest man.

Let me say to the gentleman from Illinois that one reason why the attraction of the Navy is not so great as the Army and Marine Corps is the fact that in both the Army and Marine Corps the man who goes in has a reasonable and definite opportunity, if he is studious, if he is honest and honorable, if he is intelligent and ambitious, of being able by passing an examination to be promoted into the list of officers. To be sure there is such a provision in the naval service, but as a matter of fact very few, if any, boys are ever allowed to reach beyond the position of warrant officer.

As a matter of fact, the provisions of the law allowing promotion into the ranks of officers are practically ignored, or deliberately ignored, so that it is almost impossible to-day for a boy who enters the American Navy, no matter how intelligent, no matter how earnest, no matter how ambitious he may be to become an officer in that Navy, it is almost impossible for him to do so, although the records of the Department prove and the history of the country shows that many of the most successful naval captains in our history from the days of the Revolutionary war were men who have been taken from the ordinary seafaring class and the merchant marine. Nobody will attempt to decry the great advantages of the present system of naval education, but if the gentleman wants to increase enlistments he should seek to change the law in such a respect that it will give boys who are ambitious and studious an opportunity to get into the ranks of the officers of the Navy, and he will find a far larger number of boys seeking enlistment than under the present system, because it will give them an opportunity that every American craves—to advance himself in life to the highest point his ambition and ability will let him.

I believe in the amendment offered by the gentleman from Rhode Island, and let us have recruiting put on a square, honest, and honorable ground, by which fraudulent enlistments will be prevented upon the part of the boy himself or upon the

part of fictitious guardians and parents—by means of false affidavits. Then boys can go into the Navy honorably and honestly, and Members of Congress will not be appealed to in the future, asking them to get boys out who have been enlisted by fraud and deception. Let us be square and honest with the boys and square and honest with the whole community, and in my judgment the Navy will not suffer once the policy is adopted and squarely maintained. [Applause.]

Mr. WILLIAM W. KITCHIN. Mr. Chairman, as this debate, I believe, has five minutes more to run, I will just take two and a half minutes of that time and give the remaining portion to the gentlemen on the other side who desire to speak against the amendment. As the law is now we recruit boys under 18 years of age, with the consent of their parents or guardians. A boy that is over 18 years of age is not required to get the consent of his parent or guardian. In my judgment nobody ought to be enlisted in the Navy under 21 years of age without the consent of his parents. The parent ought to have a right higher than the right of the recruiting officer. The parent ought to have a right to control his boy until he is 21 years of age, but as the law is now the recruiting officer can enlist a boy at 18 years of age and the parent has no recourse. We are troubled year in and year out trying to get boys out of the Navy who enlisted contrary to the wishes of their parents, between the ages of 18 and 21; but as far as this amendment goes, as I understand it, it is to require some certainty in a boy's being 18 years of age when he pretends to be of that age. It is to prevent officials from relying altogether on the boy's statement as to his age, or upon the testimony of some man who bases his opinion upon the boy's statement only. It seems to me this is a wise amendment, that it is not contrary to the interests of the Government. I admit that there are many desertions from the Navy. I admit it is hard to get enlistments for the Navy, but those faults ought not to be put upon individual citizens, the individual mothers and fathers of this country. If there is a fundamental fault, the Naval Committee ought to devise some plan to obviate it. If the conditions are hard, and thereby prevent enlistments in the Navy, then the Government ought to do something to alleviate those hard conditions. There ought to be some inducements held out, and conditions ought to be made such that it will not be difficult to enlist men in the Navy who are 21 years of age. There ought to be such conditions as will tend to discourage desertions and to decrease the number of desertions from the Navy. But with all this failure to enlist sufficient men, and with all these desertions, yet I do not believe it can be logically argued that it should remain easy for recruiting officers to enlist boys under 18 years of age without the consent of their parents, for we know a boy under that age who seeks to enlist is not a disinterested witness as to his age. As far as I am concerned I do not believe they ought to be permitted to enlist when under 21 years of age without the consent of the parents. I think this is a wholesome amendment and that it ought to be adopted.

Mr. MEYER. Mr. Chairman, I agree fully with the proposition that every safeguard should be applied to prevent boys who are under the legal age from enlistment in the Navy, but the amendment proposed by the gentleman from Rhode Island [Mr. GRANGER], in my judgment goes too far. Our desire is and should be not to make it easy for boys under legal age to enlist through misrepresentation of their years, but also to obviate a condition which keeps those beyond that age from entering the service. According to the report of Admiral Converse, which I have before me, but which I have not now the time to read, he states that the great difficulty is that experienced at times by men who wish to enlist, but who can not within the necessary time produce positive proof of eligibility of age—men who would make valuable additions to the Navy, men thoroughly and legally qualified. It is to that class of men to whom we wish to give opportunity to enter the Navy, without being hampered and embarrassed in the way probably that this amendment, if adopted, would do, and which would have a deterrent rather than encouraging effect.

I append extract from the report of the Chief of Bureau of Navigation for 1906:

#### CERTIFICATES OF BIRTH.

The current naval appropriation act contains the following provision: "That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen unless a certificate of birth or written evidence, other than his own statement, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment."

The observance of this requirement has reduced enlistments of seamen, ordinary seamen, and apprentice seamen about 30 per cent. Few men who desire to enlist can produce, at short notice, "a certificate of birth or written evidence," not based upon their own statements, showing their precise age. Naturally every man intelligent enough to be wanted in the Navy knows his own age, but the majority of



them when away from home can not confirm such knowledge by written evidence that is worth anything.

No State or Territory of the United States at the present time possesses a complete registration of births. It is estimated by the Director of the Census that in none of them registration reaches 90 per cent of the births, and this standard has been attained only in recent years. Registration is most complete in California, Colorado, Connecticut, the District of Columbia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Dakota, and Vermont, but even in these States it is probable that such information could not be obtained in more than 75 per cent of the actual cases; in all other States the records are still more imperfect.

Such are present conditions. Carrying the inquiry back eighteen or more years, to the date of birth of men now seeking to enlist in the Navy, a worse state of affairs is found. In a communication upon this subject the Director of the Census says:

"The statements made above will indicate the probability, in most cases, that there was very little satisfactory registration of births as far back as the year 1886."

This explains the serious falling off in enlistments under the statute above quoted. Given time enough, perhaps a majority of the men seeking to enlist could obtain the paper evidence called for by this statute, but to a considerable portion of them the requirement stands as a bar. Men who have left their homes seeking employment can rarely afford to await the slow and uncertain results of a search of any registration records that may have existed in their native States when they were born. Although admitted to other vocations, they find the Navy closed to them. The matter is one of grave public concern on account of the embarrassment to the service, on the one hand, and, on the other, the denial of the privilege of enlistment to a worthy and desirable class of citizens.

This statute has, by crippling enlistments in the Navy, caused a more serious evil than that which it was intended to cure. It was directed against enlistment of boys under age. Such enlistments are not desired by the Navy, and the Bureau has been zealous in the endeavor to reduce them to a minimum. That it has been reasonably successful in this direction appears from the records, which show the enlistment during the past year of about 8,000 men as apprentices and seamen, of whom but a small percentage have turned out to be under age.

In view of the foregoing considerations, the modification or repeal of this statute, which has proven prejudicial to the best interests of the service and disadvantageous to the men it affects, is recommended. It is suggested that inasmuch as a boy of 17 is, if otherwise qualified, a competent witness in any court, his oath, in connection with the report of the recruiting officer and the careful physical examination made by the examining medical officer, should be accepted as sufficient.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division, demanded by Mr. Foss, there were—ayes 42, noes 26.

So the amendment was agreed to.

The Clerk read as follows:

Outfits on first enlistment: Outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, at not to exceed \$60 each, \$600,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the committee the reasons for the change between the present bill and the bill of last year? I see the provision for outfit is raised from \$45 to \$60, and the provision in the bill last year allowing the Secretary in certain cases to charge against the men who had not served six months a portion of the outfit is stricken out. What is the object of the change?

Mr. FOSS. In regard to the first part of the gentleman's question I will say that we have increased the cost of the outfit to \$60. That is due to the increased cost of materials. Admiral Converse said the cost of everything in the Navy has jumped up. He goes on to specify, for instance, that overalls which formerly cost \$2.40 the price is now \$2.75, and blue trousers which cost \$2.65 have jumped to \$4.25, so that the same outfit which cost, for instance, \$45 before, can not be purchased under \$60 at the present time.

Mr. PERKINS. Has it jumped up in a single year as much as that?

Mr. FOSS. Well, not in a single year, no; but in the last two or three years.

Mr. PERKINS. But the outfit last year was purchased at \$45.

Mr. FOSS. Well, it went over \$45.

Mr. PERKINS. That is what they were allowed by law.

Mr. FOSS. Then they cut off some things of the outfit, but now the full outfit which they will give to every one will cost \$60.

Mr. PERKINS. Why was the clause in reference to the refunding of the outfit stricken from the bill?

Mr. FOSS. If I recall rightly, that was made permanent law. The word "hereafter" was used, and of course when that is used it makes it permanent law, and it is not now necessary to put it in the bill this year.

Mr. PERKINS. I withdraw the pro forma amendment.

The Clerk read as follows:

Maintenance of naval auxiliaries: Pay, transportation, shipping, and subsistence of civilian officers and crews of naval auxiliaries and all

expenses connected with naval auxiliaries employed in emergencies which can not be paid from other appropriations, \$500,000.

Mr. PERKINS. Mr. Chairman, I reserve the point on that. That, I think, is a new provision.

Mr. FOSS. No; it is an old provision.

Mr. PERKINS. Then I am mistaken.

Mr. FOSS. The only new thing is the heading. It used to read "Maintenance of naval colliers." Now we change the word "colliers" to "auxiliaries" in order to include two provision ships and two ammunition ships, etc.

Mr. PERKINS. No; I think the gentleman is mistaken, or else I am. The clause just read is at the top of page 8.

Mr. FOSS. Well, that is the clause. It read "Maintenance of naval colliers" before.

Mr. PERKINS. Well, it now provides for the subsistence of civilian officers.

Mr. FOSS. Well, it did before. That was the law of last year and for a number of years.

Mr. PERKINS. Then this provision is not a new provision?

Mr. FOSS. No; only under this language they include a couple of provision ships and ammunition ships which were not included in the former law.

Mr. PERKINS. What does this cover, the expenses of men not in the Navy at all, in the State naval reserves?

Mr. FOSS. No; this provides for civilian crews to colliers and ammunition ships and provision ships. It is cheaper to run them with civilian crews than it is with officers and men of the Navy.

Mr. PERKINS. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material: general care, repairs, and improvements of grounds, buildings, and piers; street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire extinguishers; heating, lighting, and furniture; stationery, books, and periodicals; ice and washing; expressage; packing boxes and materials; postage, telegraphing, and telephoning; and all other contingent expenses, \$20,000.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word with a view of getting some information with relation to the naval training station on the Great Lakes. I am a friend of that improvement, but I have been impressed with the notion that a great deal of money is being expended there, possibly more than the training station really requires. I would like to know how much has been appropriated heretofore for the establishment of the station, if the gentleman, the chairman of the committee, has it in mind.

Mr. FOSS. Last year we appropriated \$750,000, and at the time when the board was appointed we appropriated \$250,000.

Mr. CRUMPACKER. That makes a million heretofore, and this bill carries altogether how much?

Mr. FOSS. This bill carries \$700,000.

Mr. CRUMPACKER. So it will aggregate \$1,700,000, and then plans have been adopted for the construction of buildings amounting to how much?

Mr. FOSS. A provision was put in the appropriation bill last year, which was passed, to the effect that the buildings shall cost not to exceed \$2,000,000.

Mr. CRUMPACKER. Not to exceed \$2,000,000?

Mr. FOSS. Yes.

Mr. CRUMPACKER. I notice an appropriation in this bill of \$150,000 for a hospital.

Mr. FOSS. No; not in this bill.

Mr. CRUMPACKER. Not in this bill?

Mr. FOSS. No.

Mr. CRUMPACKER. I was mistaken. I thought there was an appropriation in this bill of \$150,000 for a hospital. Well, does the gentleman expect that the \$1,700,000 which has been appropriated, which this bill carries, with the additional \$300,000, making \$2,000,000, will complete the work there?

Mr. FOSS. The provision was that the buildings should cost not to exceed \$2,000,000. Of course, in addition to that there are matters outside, such as walks, filling of ravines, and the dredging of the basin.

Mr. CRUMPACKER. Has any money been expended for the construction of a harbor there?

Mr. FOSS. The contract has been entered into, and the work is now going on for the dredging of the basin, which will cost, I believe, \$24,000.

Mr. CRUMPACKER. Has the gentleman any idea about the aggregate cost of that station—what it will cost when it is completed?

Mr. FOSS. I will say to the gentleman that under the provision of Congress last year, fixing the buildings at \$2,000,000, that, of course, the bids have not been let, and the plans and

specifications as to both of these have not yet been fully approved, and we do not know how much it is going to cost. But I should think the buildings could be built within the authorization of Congress of last year, namely, \$2,000,000.

Mr. CRUMPACKER. Will a million dollars in addition do the balance of the work?

Mr. FOSS. I should think so and I should hope so.

Mr. CRUMPACKER. I ask these questions not for the purpose of criticising, but for information.

Mr. FOSS. I am very glad the gentleman does.

Mr. CRUMPACKER. It has been intimated to me that the plan upon which the naval station there has been started if carried out would cost six or eight or ten millions of dollars.

Mr. FOSS. Oh, no.

Mr. CRUMPACKER. And I wanted to be informed in relation to it.

Mr. FOSS. I will say to the gentleman that that is entirely erroneous. I think our naval training station down at Newport, which is the best one we have, has probably cost in the neighborhood of two millions to two millions and a half, and I do not anticipate that this naval station will cost very much more than that. Of course, there is this thing to be taken into consideration. The cost of labor is high, and the cost of material at the present time is also high, and it may be that the naval training station will cost more than two millions and a half of dollars, but I would say that the man who has charge of it, Captain Ross, of the Navy, and who has had a great deal of experience in connection with public works of this kind in the Navy Department, is doing everything in his power to hold this down to a reasonable and economical basis.

Mr. CRUMPACKER. I want to repeat that I very much favor the improvement, but I wanted to know, so that I might be able to give information if any request should be made respecting the amount of money that is being expended there and what will probably be required to complete the station. Mr. Chairman, I withdraw the pro forma amendment.

Mr. COOPER of Wisconsin. Will the chairman of the Naval Committee answer one question?

Mr. FOSS. I will be pleased to.

Mr. COOPER of Wisconsin. How much of harbor facilities can be secured there for \$24,000?

Mr. FOSS. I understand all that is necessary for small boats, which are the only boats used in the training of men.

Mr. COOPER of Wisconsin. What does the gentleman mean by small boats? How large are they?

Mr. FOSS. I do not know the exact size, but they are row-boats, lifeboats—

Mr. COOPER of Wisconsin. Rowboats?

Mr. FOSS. Yes; and lifeboats.

Mr. COOPER of Wisconsin. Those are rowboats.

Mr. FOSS. Yes; but they are larger than the ordinary row-boats.

Mr. COOPER of Wisconsin. That \$24,000 will not build anything of a harbor there and will not build any docks or any piers. The reason I asked this question, I will say to the gentleman, is this: The original law providing for the establishment of this station required that there should be estimates submitted by the board which reported in favor of the site, and that the President should confirm the report, and that report, of course, was to include these estimates. No estimates were made at that time and there were not for a long time after Lake Bluff was selected.

Now, I will ask the gentleman if there ever has been any estimates submitted as to the probable cost of a harbor at Lake Bluff site; and if so, what that harbor is to cost or what the estimate is?

Mr. FOSS. The only estimates which have been finished, so far as I am aware, were those submitted by the board at the time it made its report to the President.

Mr. COOPER of Wisconsin. I will say there is nothing in those estimates at all that I have ever seen, and I sent for the copy. There was no estimate made that I ever saw at that time. At least I asked for one, and could not find it, as to the cost of the harbor.

Mr. FOSS. They were made at that time with regard to other harbors along the Great Lakes, and particularly, as I recall it, in regard to Muskegon.

I stated a moment ago, as I recall it, that the contract for dredging the basin was \$24,000, but I find by looking it up in a memorandum that the contract was a double contract, for filling the ravines and dredging the basin, \$38,400, comprising two purposes instead of one.

The Clerk read as follows:

Naval Home, Philadelphia, Pa.: One superintendent of grounds, at \$710; one steward, at \$720; one matron, at \$420; one beneficiaries'

attendant, at \$240; one chief cook, at \$480; one assistant cook, at \$360; one assistant cook, at \$240; one chief laundress, at \$192; five laundresses, at \$168 each; four scrubbers, at \$168 each; one head waitress, at \$192; eight waitresses, at \$168 each; one kitchen servant, at \$240; eight laborers, at \$240 each; one stable keeper and driver, at \$360; one master at arms, at \$480; two house corporals, at \$300 each; one barber, at \$360; one carpenter, at \$845; one painter, at \$845; one engineer for elevator and machinery, \$600; three laborers, at \$360 each; three laborers, at \$300 each; total for employees, \$14,110. Miscellaneous: Water rent and lighting, \$2,100; cemetery, burial expenses, and headstones, \$800; improvement of grounds, \$780; repairs to buildings, boilers, furnaces, and furniture, \$6,748; music in chapel, \$600; transportation of indigent and destitute beneficiaries to the Naval Home, \$100; support of beneficiaries, \$47,905; total miscellaneous, \$59,033.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the item on page 10, line 21, "one steward, at \$720."

The CHAIRMAN. What is the point of order?

Mr. FITZGERALD. It is not authorized by law.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. FOSS. I will say that it has been provided for heretofore.

Mr. FITZGERALD. It has been provided for at less compensation.

Mr. FOSS. At less compensation.

Mr. FITZGERALD. This is an increase of compensation, obnoxious to the rules, and is new legislation. I will reserve the point of order, if the gentleman thinks he can give a satisfactory explanation of it.

Mr. BUTLER of Pennsylvania. Mr. Chairman, if my friend will give me his attention I will state to him that these estimates are sent in by the old sailors, and this money does not come from the United States Government, but comes from a fund that has been accumulated from the earnings of the sailors. It is their own fund; and I suggest to him that he will agree with us that what these old sailors feel that they ought to have provided for them we should give to them if it is to come out of their own fund.

Mr. FITZGERALD. The gentleman is mistaken. This appropriation is paid out of the Treasury of the United States.

Mr. WILLIAM W. KITCHIN. If the gentleman will look on page 12, at lines 21 and 22, where the whole business is summarized, he will find that it states "which sum shall be paid out of the income from the naval pension fund." As I understand this, it is a fund that belongs to the Navy. The Government has it in trust, and it is a fund over which I understand they have had the control.

Mr. FITZGERALD. Why is this put in?

Mr. BUTLER of Pennsylvania. Mr. Chairman, the gentleman asks why it is put in. I have already endeavored to explain the reason. It is at the request of the sailors themselves. This fund is provided by themselves out of their earnings. The Government is the trustee, and they send in an estimate designating what they would like to have and the purposes for which they propose to use it, and we have always followed the suggestion and made the appropriation accordingly.

Mr. FITZGERALD. The gentleman does not pretend to state to the committee that this has been done on the recommendation of the inmates of the Home?

Mr. BUTLER of Pennsylvania. Made to the Bureau of Navigation.

Mr. FITZGERALD. Not by the inmates here.

Mr. BUTLER of Pennsylvania. Made by the old sailors.

Mr. FITZGERALD. Not at all. It is made by the man designated as the head of the Home.

Mr. BUTLER of Pennsylvania. But the suggestion came from the sailorman, and the Naval Affairs Committee inserted it.

Mr. FITZGERALD. Knowing the utter incapacity of the inmates of this Home to determine this question, if it is based upon their recommendation I insist upon the point of order.

Mr. MANN. What is the reason for making the increase?

Mr. BUTLER of Pennsylvania. I will be very glad to answer my friend.

Mr. MANN. The gentleman from New York will understand that it is necessary to have a good steward. Whether they could obtain one for \$480 I do not know. But a good steward will save a great deal more than the difference between the salary of a good steward and a bad steward, as the gentleman will readily know. The steward is the man who makes the purchases of supplies.

Mr. BUTLER of Pennsylvania. Yes, he is; and it is recommended by the Department that they should have this officer.

Mr. MANN. What is the necessity for the increase? I can readily see that where stewards are in demand it may not be possible to obtain or retain the services of a good steward at \$480 a year, which is only \$40 a month.

Mr. BUTLER of Pennsylvania. Well, it is in this report.

Mr. Chairman, here is the statement that is furnished by the



Navy Department, upon which the item was inserted as the committee was advised on the hearings referred to.

The regulations of the Naval Home provide that in consideration of the faithful performance of such duties in and about the Home as may be directed by the governor or commanding officer each beneficiary shall receive \$2 per month. This was afterwards increased to \$3, and was paid up to March 1, 1906. Upon the question of the establishment of the rate of writer at the Home, at a compensation of \$10 per month, the Comptroller of the Treasury rendered a decision, under date of March 22, 1906, to the effect that as the appropriation for the support of the Home provides specifically for forty-nine employees, other personal services than those authorized by the act are prohibited by section 3679 of the Revised Statutes. This was considered to also cover the cases of beneficiaries who had been receiving a compensation of \$3 per month for extra services performed, and consequently payment of this sum was stopped. To reimburse these beneficiaries for extra services rendered at the Home from March 1, 1906, to June 30, 1906, and also to pay certain workmen for services rendered to the Home during the second half of March, 1906, the present estimate is submitted.

Mr. MANN. Well, I do not understand who is the beneficiary. I suggest to the gentleman from New York that it is quite probable that they can not obtain and retain the services of a good steward at present for \$40 a month.

Mr. FITZGERALD. Mr. Chairman, the suggestions of the gentleman from Illinois usually carry great weight, but I have gone through the hearings of the Committee on Naval Affairs, and the only thing that is said in there is that on page 21 of the hearings the chairman says:

I see here a provision for laborers and cooks, and so forth. You have separated it. There are a number of increases here.

Admiral CONVERSE. There is an increase in the pay of the stewards, the cooks, and two assistant cooks.

There is not a single word of explanation for any one of the increases. This naval pension fund is created, first, from certain prize moneys which were turned in for the support of naval hospitals many years ago. Now every officer and enlisted man in the Navy and in the Marine Corps has 20 cents a month deducted from his pay, which goes into this fund.

If Congress is charged with the duty of supervising the expenditures from this fund, it should do so upon proper information and in an intelligent manner. I repeat that there is not a word in the hearings upon which the gentleman from Pennsylvania can base his statement that these increases are at the request of the inmates of the Home, who, as a matter of fact, are less entitled to make recommendations than anybody else, because they are enjoying the results of deductions made from all the men in the service; and merely because a recommendation is made is not, in my judgment, sufficient reason for the appropriation.

Mr. MANN. If the gentleman will permit me, I have not gone through the hearings upon this question, but I do not think the gentleman needs to go through the hearings to determine what I think is perfectly evident to the gentleman from New York, as it is perfectly evident to me, that it is to the interest of the Government at this point to have a good steward. It is perfectly apparent to the gentleman from New York, I believe, that to-day you can not obtain and retain the services of a good steward at \$480 a year.

Mr. FITZGERALD. If that were in the city in which the gentleman lives or the city in which I live that probably would be true, but I am not so sure about it in the city of Philadelphia.

Mr. MANN. My experience in the city of Philadelphia is that they know a good steward when they get one, and I think the good steward there knows how to perform properly, and I should question whether it would not require more pay to retain a good steward in Philadelphia than in any other city.

Mr. FITZGERALD. The gentleman from Pennsylvania probably is familiar with this, and while it does not appear in the hearings I desire to inquire whether he has made any investigation of this matter and knows whether it is necessary to have this increase in order to retain a competent man?

Mr. BUTLER of Pennsylvania. I understand it will be impossible to continue the services of this steward unless his salary is raised. I further understand—and I do not think my friend will ask me the source of my information, but it is good—the services of this steward have been perfectly satisfactory, and that the authorities are especially desirous that they may be continued. I hope, in view of that statement—

Mr. FITZGERALD. How many men are in this Home?

Mr. BUTLER of Pennsylvania. I very much wish I could answer my friend, for I should like to know myself. If the gentleman will restrain his desire for information until tomorrow morning, I will learn the number and tell him. I do not know how many.

Mr. FITZGERALD. If the gentleman feels that the conduct of the Home will be interfered with, I will not press the point of order.

Mr. BUTLER of Pennsylvania. It is for the good of the

service and for the good of the Home, and I ask my friend to withdraw his point of order.

Mr. FITZGERALD. At the suggestion of the gentleman, I withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

One secretary, \$1,600; one master mechanic, at \$3.28 per diem, \$1,026.64; one store laborer, \$480.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. I want to know what the reasons are.

The CHAIRMAN. The gentleman from Illinois reserves the point of order against lines 3 to 6, inclusive, on page 12. Does the gentleman from Illinois [Mr. Foss] desire to discuss the paragraph on its merits?

Mr. MANN. It is a new provision in the bill.

Mr. FOSS. So far as the first part is concerned—

Mr. MANN. What is the necessity of a secretary at \$1,600?

Mr. FOSS. These are new provisions in the bill, recommended by the head of the Naval Home, at Philadelphia, and also by the Secretary of the Navy.

In regard to the master mechanic and the storekeeper, Admiral Converse asked for the increase on account of the increased labors at the Home. I want to say that this Home is taken care of by the interest on the naval pension fund, which amounts to about \$14,000,000, and that we have usually taken the recommendations of the officers in charge there with regard to these increases. Heretofore there have been comparatively few increases in the wages of the people employed in this Home, but we felt that this year there was more necessity for it. In regard to the allowance of pay for the beneficiaries from March 1 to June 30, 1906, that was due to the decision of the Comptroller of the Treasury, who in a ruling decided that these amounts which heretofore had been paid for extra duties to these beneficiaries should not be allowed.

Upon this matter Admiral Converse stated in the hearings as follows:

The regulations of the Naval Home provide that in consideration of the faithful performance of such duties in and about the Home as may be directed by the governor or commanding officer each beneficiary shall receive \$2 per month. This was afterwards increased to \$3, and was paid up to March 1, 1906. Upon the question of the establishment of the rate of writer at the Home at a compensation of \$10 per month, the Comptroller of the Treasury rendered a decision, under date of March 22, 1906, to the effect that as the appropriation for the support of the Home provides specifically for 49 employees other personal services than those authorized by the act are prohibited by section 3679 of the Revised Statutes. This was considered to also cover the cases of beneficiaries who had been receiving a compensation of \$3 per month for extra services performed, and consequently payment of this sum was stopped. To reimburse these beneficiaries for extra services rendered at the Home from March 1, 1906, to June 30, 1906, and also to pay certain workmen for services rendered to the Home during the second half of March, 1906, the present estimate is submitted.

That is what Admiral Converse said upon this subject. It was in view of this decision of the Comptroller, and his decision was to the effect that because we only provided for 49 employees, therefore we could not go outside and pay for the extra services performed by these beneficiaries. That held up the amount which they were entitled to under the regulations of the Home.

Mr. MANN. May I ask the gentleman if the decision of the Comptroller was rendered since the last appropriation act providing that they should be authorized to obtain additional service through the use of the beneficiaries? That was in the last act. Was not the decision of the Comptroller rendered after this provision was put into the law?

Mr. FOSS. The decision of the Comptroller was rendered March 22, 1906, a little less than a year ago.

Mr. MANN. That was before the present law was in effect. Then the gentleman last year, in view of that decision, put in the provision for the performance of additional services in and about the Home, and that the Secretary of the Navy was authorized to employ the beneficiaries and pay them out of the fund?

Mr. FOSS. Yes.

Mr. MANN. That being the case, the Secretary of the Navy being authorized to employ the beneficiaries in the Home and give them some employment, what is the reason for employing additional employees outside of the Home entirely; why not give these men a chance to earn a little extra money?

Mr. FOSS. These people are old, and there is only a certain amount of work they can do around the Home. That will take up their minds and attention and give them these little amounts, say two or three dollars a month, so that they will feel that they are doing something.

Mr. MANN. I am in favor of that; but the point I am making is, Why do you want to cut them off and employ somebody else when they can do it just as well?

Mr. FOSS. We are not cutting them off, but we are providing for men to do the heavy work, and in that respect we are making provision for master mechanics.

The CHAIRMAN. The point of order is sustained.  
The Clerk read as follows:

To pay beneficiaries for extra duties performed by them at the Home from March 1 to June 30, 1906, in established ratings, \$1,205.66.

Mr. FITZGERALD. Mr. Chairman, I make a point of order as to that, that it is a deficiency and should be carried in the proper bill.

The CHAIRMAN. The point of order is sustained.  
The Clerk read as follows:

To pay the following-named men for services rendered to the Home during the second half of March, 1906: John T. Foley, mechanic, fourteen days, at \$4 per diem, \$56; Joseph S. Trainer, carpenter, fourteen days, at \$2.80 per day, \$39.20; Alonzo Hersh, plasterer, five days, at \$2.80 per diem, \$14; Frank W. Mohler, store laborer, one-half month, at \$40 per month, \$20.

Mr. FITZGERALD. Mr. Chairman, I make the same point of order against that paragraph.

The CHAIRMAN. The point of order is sustained.  
The Clerk read as follows:

In all, for Naval Home, \$78,124.50, which sum shall be paid out of the income from the naval pension fund: *Provided*, That for the performance of such additional services in and about the Naval Home as may be necessary, the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said Home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the Home.

The CHAIRMAN. If there be no objection, the Clerk will be authorized to make the change in the total made necessary by striking out certain provisions on points of order.

There was no objection.

The Clerk read as follows:

Ammunition and other supplies for new ships, \$750,000.

Mr. FOSS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

On page 13, line 22, after the word "dollars," insert the following: "*Provided*, That immediately after the passage of this act all ammunition and other supplies already on hand under appropriation 'Increase of the Navy, armor and armament,' shall thereby be transferred to the appropriation 'Ordnance and ordnance stores,' the same as if purchased under that appropriation, and that this change of title shall be effected without a charge against the appropriation 'Ordnance and ordnance stores.'"

"*Provided further*, That after the passage of this act all ammunition and other supplies now contracted for under the appropriation 'Increase of the Navy, armor and armament,' shall be transferred to the appropriation 'Ordnance and ordnance stores' immediately after such ammunition and other supplies have been delivered and paid for; that this change of title shall be effected without a charge against the appropriation 'Ordnance and ordnance stores.'"

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the amendment.

Mr. FOSS. Mr. Chairman, the explanation is very simple. This appropriation has been carried heretofore—"Increase of the Navy"—over at the rear end of the bill, but now the Secretary of the Navy desires to put it here under the Bureau of Ordnance, and it is simply changing it from one part of the bill to another.

Mr. BUTLER of Pennsylvania. It does not change any provision of law?

Mr. FOSS. It is a mere matter of bookkeeping, and I may say works to a more business-like management of the Bureau of Ordnance.

Mr. FITZGERALD. Mr. Chairman, let me call the attention of the gentleman from Illinois [Mr. Foss] to this fact. Appropriations made under the part of the bill entitled "Increase of the Navy," if I am correctly informed, are available until expended. Appropriations made under this part of the bill are only available for two years. If the unexpended balances of the appropriations that have been heretofore made under the provision "Increase of the Navy" in former years are turned over in this way, it may be that they will thus be turned back into the Treasury. It would be a very wise thing for the gentleman from Illinois to know how much money now available for the purpose would thereby be taken from the Department. I desire to know whether that question has been looked into and whether the gentleman is able to state the amounts unexpended under the former appropriations and what amounts, if any, would be converted back into the Treasury as the result of the adoption of this provision.

Mr. FOSS. I will state to the gentleman that I can not tell him what amounts are unexpended of this appropriation which has been made heretofore under the "Increase of the Navy." I have not the figures here.

Mr. FITZGERALD. I ask the gentleman whether that question was taken into consideration when the recommendation of the Secretary was agreed to or whether the Secretary of the

Navy took that particular fact into consideration in making this request.

Mr. FOSS. Well, I do not know what the Secretary of the Navy took into consideration, but the main purpose or the reason which actuated the committee fully as much in recommending this provision was a reason which was given by the Chief of the Bureau of Ordnance, Admiral Mason, in which he says:

Under existing conditions, with ammunition and ordnance supplies carried under the two titles "Armor and armament" and "Ordnance and ordnance stores," this Bureau, being by regulation forbidden to keep accounts, is absolutely unable to keep a businesslike control and cognizance of this material under the separate titles. When the ammunition and supplies under both titles are issued to the naval magazines, the Bureau practically loses knowledge of the title under which the material is carried.

And for the reason that it was more businesslike and economic we were of the opinion that the recommendation of the Secretary and also the recommendation of the Chief of the Bureau ought to stand in the bill.

Mr. FITZGERALD. It may be much more businesslike, but I call the attention of the gentleman to the fact that heretofore ammunition and other supplies for new ships were purchased out of the provision "Increase of the Navy, equipment, armor, and armament."

Mr. FOSS. Yes.

Mr. FITZGERALD. Last year there was appropriated over \$15,000,000 for that purpose. For a number of years—five or six—past the appropriations have been very large and they have been based to some extent upon the contracts that have been made or were in contemplation, and under the law the appropriations are available until expended. This particular appropriation will be available for two years only, and by that time, if it be not expended, it will revert to the Treasury. It is just possible that under this proposed amendment large balances that are now to the credit of this fund will, as a matter of fact, be taken from the available amounts that the Department has now to meet contract obligations, and as this is the short session of Congress it might very seriously embarrass the Department in the performance of its work. It seems to me, Mr. Chairman, that a provision of so much importance should not be offered to the House in this way at this time. I will insist upon the point of order.

Mr. FOSS. Mr. Chairman, I do not think the Secretary of the Navy would have recommended this if he thought it was in any way going to embarrass him.

Mr. FITZGERALD. It is just possible he did not know anything about it.

Mr. FOSS. Then I think if the gentleman from New York will only call the attention of the Secretary to this important matter that it will probably relieve him of any embarrassment which might be occasioned.

Mr. FITZGERALD. I prefer to avoid the embarrassment by exercising a right I have rather than to rely upon some right I have not.

Mr. FOSS. I appreciate the gentleman's zeal in pointing this out. Now, so far as the point of order is concerned, Mr. Chairman, I do not think it is subject to the point of order. It has been held it is in order to authorize a new ship upon the naval appropriation bill, and it is certainly in order to authorize any part or portion of a new ship. This is for the ammunition and other supplies of new ships, \$750,000. I understand the gentleman makes his point of order to that provision.

Mr. FITZGERALD. No; I do not.

Mr. FOSS. Or to the amendment.

The CHAIRMAN. The Chair is ready to rule.

Mr. FOSS. I have nothing further to say.

The CHAIRMAN. It seems to the Chair, if the Secretary has not authority to make the transfer as recommended by him, if it is necessary that Congressional action be taken in order to authorize such transfer, why the provision is legislation and subject to the rules.

Mr. FOSS. Mr. Chairman, upon that point I think I can show to the Chair that the Secretary of the Navy has the authority to put the business—

The CHAIRMAN. The Chair suggests, then, what is the necessity of the legislation?

Mr. FOSS. There is no necessity, only simply that it should be in proper form in the bill.

Mr. FITZGERALD. But, Mr. Chairman, this attempts to transfer appropriations heretofore made from one account to another, and the Secretary of the Navy has no power to make any such transfer.

Mr. FOSS. So far as this appropriation is concerned, whether the appropriation is made here on page 17 or whether it is made under "Increase of the Navy," the same bureau has jurisdiction of it.



Mr. FITZGERALD. I have not made the point of order against the language in the bill.

Mr. FOSS. But if the Chair will reserve his decision until to-morrow, I think I can show the Secretary has jurisdiction of this matter.

The CHAIRMAN. Upon the statement of the chairman of the committee that he believes he can produce authority to the Chair for this provision, the Chair will ask the unanimous consent of the committee to pass this matter over without prejudice until to-morrow. Is there objection? [After a pause.] None is heard, and that course will be followed.

The Clerk read as follows:

For completing the work of modifying 4-inch .40-caliber mounts, and providing new sights; and for modifying 5-inch .40-caliber mounts, and providing new sights for same, \$100,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I desire to inquire why this particular item is placed in the bill?

Mr. FOSS. To what item does the gentleman refer?

The CHAIRMAN. Lines 15 to 18, inclusive, page 14.

Mr. FOSS. Well, I can refer him to the hearings, on page 49, before the committee—

Mr. FITZGERALD. That is what I desired to ascertain about.

Mr. FOSS. And also to the report of the chief, on page 5.

Mr. FITZGERALD. Heretofore this work has been done out of other appropriations.

Mr. FOSS. Whatever has been done has been done under the general work of the appropriation for the Bureau of Ordnance and Ordnance Stores.

Mr. FITZGERALD. Why is this item segregated, and has it resulted in any decrease of the appropriation available for any other purpose?

Mr. FOSS. Well, the estimates were made upon the basis of two items, and what would otherwise have been placed under the general appropriation for ordnance and ordnance stores has been taken out of that and put in a separate paragraph.

Mr. FITZGERALD. Does the gentleman know how much has been already expended for that purpose?

Mr. FOSS. No; but very little if anything has been expended, but from time to time there have been modifications of these new sights and mounts upon our ships, but now they have worn out and need repair. I also state there have been new inventions in these matters during the last two or three years, and the Chief of the Bureau of Ordnance thinks the time has now arrived when these modifications should be made and that the ships should be brought up to date.

Mr. FITZGERALD. There is no question as to the propriety, the advisability, of bringing ships up to date, but the hearings show that this work has heretofore been done out of general appropriations. The experience of the House has been that where appropriations are divided and the items segregated in this way it takes but a very short time very largely to increase the total appropriation for the same purpose. I took occasion to point out three or four years ago, where certain paragraphs in the naval appropriation bill had been divided into independent paragraphs, that the appropriations increased over 300 per cent as a result of so dividing them. The recommendation for this work last year was \$320,000. The hearings show the estimates made this year would complete the work. I do not recall whether the \$100,000 is the complete estimate—

Mr. WILLIAM W. KITCHIN. No; it is not.

Mr. BUTLER of Pennsylvania. Two hundred and thirty-five thousand dollars is asked for.

Mr. FITZGERALD. Which shows that last year the difference between \$235,000 and \$320,000—namely, \$95,000—was expended for this very purpose out of the general appropriation for the Bureau. The Bureau will obtain practically \$100,000, an amount equal to that expended last year, in addition to the current appropriation for the Bureau. My opinion is that this will result, without the Members of the House appreciating it, in largely increasing the appropriation for this Bureau. It will come about because these two items will be carried in the bill, and hereafter it will be very difficult to trace the history of the appropriation. For that reason I move to strike out that paragraph of the bill.

Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to strike out lines 15 to 18, inclusive, on page 14. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For fire-control instruments for nineteen battle ships and twelve armored cruisers; for fire-control instruments for four monitors and twenty-five cruisers, \$300,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph. I wish to call the attention of the committee to

some remarkable statements made to the Committee on Naval Affairs. It has been our pride that the American seamen have been the most expert marksmen in the world. The records that have been made in target practice both for accuracy of fire and rapidity of firing have never been equaled in any other Navy in the world. And yet we find in the hearings before the Naval Committee that an officer of the Navy states that experience at target practice indicates that rapid hitting is possible and "information from abroad indicates that it is necessary." I suppose that this is the first time, in the history of the modern navy, at least, and possibly in the history of the navy before the modern ships, that any naval officer thought it was necessary to report what had happened abroad in the line of marksmanship, either as to accuracy or rapidity, in order to set up a standard for the men of the American Navy. Indeed, the accuracy of the marksmen of the American Navy has been the admiration of the navies of the civilized world. I am astonished that, when other naval authorities are sending here to seek information, when they are expressing admiration and astonishment at the proficiency of our seamen, some officials should find it necessary to refer to what has happened abroad as an indication of what should be done in this country. I have no doubt whatever that the seamen and the marksmen on board of the ships of the American Navy excel in a very great degree those on board of the ships of any other naval power. And I trust that whatever may be appropriated for instruments of fire control, to perfect the accuracy of the shooting of the men on board our ships, will not be based upon information that has not been found from our own experiences, without regard to what has happened in other countries.

Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to strike out lines 19, 20, 21, and 22, inclusive, on page 14. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Reserve ammunition: Toward the accumulation of a reserve supply of powder and shell, \$2,000,000: *Provided*, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals. All shells and projectiles shall conform to the standards prescribed by the Secretary of the Navy.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of getting information from some member of the committee. Last year there was an appropriation of \$2,000,000 for reserve of powder and shell and also \$750,000 for a reserve of guns. A similar provision is contained in the bill this year and has, I think, been carried in this bill for many years. I would like to be informed as to what this reserve is. We have now appropriated millions and millions to accumulate a reserve. Does the time ever come when the reserve is completed?

Mr. FOSS. I want to say to the gentleman from New York [Mr. PERKINS] that last year was the first time we made any appropriation for reserve ammunition.

Mr. PERKINS. That was the first time?

Mr. FOSS. That was the first time; and the recommendation in the estimate last year was \$4,000,000. We cut that down to \$2,000,000, and this year the estimate was four millions and we cut it down to two millions.

Mr. PERKINS. How large is this reserve to be that is to be created?

Mr. FOSS. Well, it is suggested that four millions will buy—

Mr. PERKINS. Is it to stop at four millions or will there be a provision next year for two millions?

Mr. FOSS. No doubt there will be a provision right along, as we are very much behind in stores of ammunition. Since this bill has been reported the Department have recommended that we make the appropriation larger.

Mr. PERKINS. What is done with the powder and shell of these reserves? It must be taken out, otherwise the reserve would keep on growing until finally it would amount to twenty millions.

Mr. FOSS. It is stored and ready for cases of emergency.

Mr. PERKINS. Where is the \$2,000,000 worth of powder and shell that was purchased last year for the reserve?

Mr. FOSS. That is being manufactured at the present time. That appropriation did not go into effect until the 1st of July last.

Mr. BATES. Let me read to the gentleman the testimony of Admiral Mason on this subject when he was before the committee. He states that the probable expenditure of this appropriation will net four millions:

|   |           |
|---|-----------|
| Smokeless powder  | \$911,200 |
| Armor-piercing shells, mostly above 6-inch caliber                          | 2,600,000 |
| Powder tanks and cartridge cases (to accumulate 20 per cent of one reserve) | 368,000   |
| Fuses   | 70,000    |

Mr. PERKINS. What is done with this reserve?

Mr. MADDEN. As a matter of fact, they take the reserve for target practice.

Mr. BATES. The reserve is procured for actual use:

As stated in last year's estimates, it seems imperative that there should be acquired at the earliest date practicable a reserve supply of ammunition sufficient to refill the main battery magazines of the fleet twice and the secondary battery magazines once. This is because a modern battle ship at her maximum rate of gun fire will exhaust the magazines supplying her main battery in about half an hour, and her secondary battery ammunition will not last much longer.

Mr. PERKINS. The bill makes an appropriation for the purchase of a still further amount this year.

Mr. BATES. He states that this is required.

Mr. PERKINS. I do not care what he states.

Mr. BATES. It answer the question.

Mr. PERKINS. I think not.

Mr. BATES (reading):

That the accumulation of this reserve should be undertaken at once is evidenced by the fact that the manufacture of shell of sufficient merit to meet the Bureau's requirements has, in many instances, taken from two to three years.

Mr. PERKINS. What is done with the powder and shell? Is it used in target practice?

Mr. FOSS. It is stored.

Mr. PERKINS. Besides the \$2,000,000 worth of powder that was purchased last year?

Mr. FOSS. We are going to store it up. We have a place for reserve supply of powder on every ship, and in addition to that we have stores and magazines in other parts of the country.

Mr. PERKINS. Then if we are to have \$2,000,000 for the increase reserve of powder and shot piled up each year, it will get to ten or twelve millions.

Mr. FOSS. We have got to have a reserve.

Mr. PERKINS. How big has it got to be?

Mr. FOSS. The estimate last year was that \$9,126,000 would be required in order to have a reserve of ammunition for all the ships in the Navy, and so this \$2,000,000 was appropriated last year, and we are endeavoring to make the reserve as large as it should be. There is no question as to the necessity of making the reserve.

Mr. PERKINS. How is it that we never had a reserve before in a hundred years of naval history?

Mr. FOSS. I think that the gentleman will find that we have always had some reserve, and the gentleman will find there has always been some reserve of powder and shot.

Mr. PERKINS. I thought the gentleman stated that last year was the first appropriation for such purpose. I am asking for information.

Mr. FOSS. That was the first specific appropriation carried in our bill for reserve.

Mr. PERKINS. Then it was the beginning of the reserve.

Mr. FOSS. It was the beginning of the piling up, I may say, of reserve ammunition for the Navy.

Mr. PERKINS. Then there was no reserve ammunition for the Navy during the century before?

Mr. FOSS. We appropriated \$50,000,000 one day before the time we entered upon the Spanish war, and a large portion of that went into reserve, which we had not provided for before. Now, we propose to go to piling up our reserve, so that in case of necessity or emergency we will be ready.

Mr. PERKINS. Is it ever used except in case of war?

Mr. FOSS. It might be, and it might not.

Mr. PADGETT. If the gentleman will permit me, I will answer that inquiry.

Mr. PERKINS. I should be glad to get an answer from anyone.

Mr. PADGETT. I want to say to the gentleman that I asked the same question of the Admiral a year ago in the committee, and he stated that after we had reached the time when the first stored would be used the old is replenished from the current appropriation. The older reserves would be used in target practice and for current uses; so that there would not be a continual piling up. The old ammunition would be used and that would be replenished from the new.

Mr. PERKINS. Let me ask these naval experts another question. This powder is stored, then, it may be, for a period of four or five years. Is there any deterioration of powder that is stored for so long a time as this?

Mr. PADGETT. They stated that there was practically no deterioration.

Mr. PERKINS. Practically none, though stored for four or five years?

Mr. PADGETT. I do not know the limit. They stated that there was practically no deterioration in the powder.

Mr. CRUMPACKER. I should like to get the matter clear in my head. I understand that before the Congress adopted the policy of providing for a reserve the only reserve would be a surplus.

Mr. PADGETT. That had been retained from current appropriations?

Mr. CRUMPACKER. From the ammunition that was provided for current use.

Mr. PADGETT. Yes.

Mr. CRUMPACKER. And now the policy is to provide a reserve that is segregated for emergencies and that is to reach a certain aggregate, and when it does it is to be used?

Mr. PADGETT. Added to, and some used from the later reservations.

Mr. CRUMPACKER. It is a little like the redemption fund in the Treasury. We used to have none—

Mr. PERKINS. They say that does not work very well in the Treasury.

Mr. CRUMPACKER. We used to have no specific segregated redemption fund, but a few years ago we provided one, and the Navy Department is now arranging to provide for a reserve store of ammunition.

Mr. DAWSON. Simply large enough to fill the ships' magazines once.

Mr. PERKINS. How many million dollars would it take?

Mr. DAWSON. About \$9,000,000, for which we already appropriated last year \$2,000,000. If we keep appropriating \$2,000,000 a year, in 1910 we will have this reserve large enough to fill the magazines of the ships once.

Mr. PERKINS. I withdraw the pro forma amendment.

Mr. FOSS. Mr. Chairman, I wish to strike out in line 5 the words "powder and shell" and to insert in lieu thereof the word "ammunition."

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 5, page 15, strike out the words "powder and shell" and insert the word "ammunition."

The amendment was agreed to.

The Clerk read as follows:

Reserve torpedoes and appliances: For the purchase or manufacture of reserve torpedoes and appliances, \$250,000.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Line 19, page 15, after the word "dollars," insert the following: "Provided, That of this amount not more than \$155,000 shall be used for the construction and equipment of a torpedo factory at the torpedo station at Newport, R. I."

Mr. MANN. I reserve the point of order on the amendment. I could not hear it read.

The CHAIRMAN. What is the request of the gentleman from Illinois?

Mr. MANN. I should like to hear the amendment reported again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. MANN. Does that read "not more than?"

Mr. WILLIAM W. KITCHIN. Yes. Does the gentleman reserve a point of order?

Mr. MANN. I do not think it is subject to a point of order. It is a limitation on the appropriation.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I desire to state that I think this amendment will render the purpose of the appropriation more certain, and will effect not only what I think a very proper provision, but also the intention of the Department and of this committee. I call the attention of the committee to the following language in the report on this bill on page 5:

An appropriation of \$250,000 is recommended for the purchase and manufacture of reserve torpedoes and appliances. The Chief of the Bureau is of the opinion that he can manufacture 21-inch torpedoes for \$3,500 each, which would be a saving of \$1,500 on each torpedo, and as we require a large number of them, the committee have thought it would be economy to allow him to make the trial.

These 21-inch torpedoes now cost us \$7,100 each. The estimate of the Bureau is that we can make them for \$3,500 each, but to that estimate is to be added the wear and tear of the plant and also a royalty of perhaps \$500 on each torpedo.

But it would appear that by making the torpedoes we can save from \$2,000 to \$2,500 on each torpedo. There is only one concern in the United States that now makes these torpedoes. Its capacity is 100 torpedoes a year. The Department says that we need 200 torpedoes a year. In other words, the private con-



cern can only make half of what the Government needs annually. Then, in view of the fact that we will have this great saving upon the torpedoes if we make them, and in view of the very strong recommendations of the Department in favor of the torpedo factory, it seems to me it is good business and wisdom to authorize in direct terms the erection of this factory.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. CRUMPACKER. How much would it take to establish and equip a torpedo factory?

Mr. WILLIAM W. KITCHIN. That question was asked, and Admiral Mason answered that \$155,000 would make it and equip it. For that reason the language of the amendment says "for the erection and equipment of a torpedo factory."

Mr. DAWSON. If the gentleman will allow me, if I understood his amendment, it is to fix the place or location of the factory?

Mr. WILLIAM W. KITCHIN. At Newport.

Mr. DAWSON. Does the gentleman think it is wise for us to fix the place at which the factory is to be erected? Would it not be better to leave that to the discretion of the officers in the Navy Department?

Mr. WILLIAM W. KITCHIN. I followed the recommendation of the Navy Department because in their estimate they had the item, but they put it in another part of the bill. Their recommendation is to have it at Newport, where they now carry on the torpedo experiments.

Mr. FITZGERALD. Does the gentleman believe that \$250,000 is enough for the item, even without taking some of it for the purpose of erecting a Government factory?

Mr. WILLIAM W. KITCHIN. I will say to the gentleman from New York, my idea is that it will take twelve months to erect the factory, and \$250,000 will be enough to erect a factory and to supply the money that will be required in that factory for the next fiscal year. But, if we are going to buy 100 additional torpedoes in the next fiscal year, then it will take more than double the appropriation.

Mr. FITZGERALD. It will not be possible to obtain the 100 torpedoes in any one year by purchase?

Mr. WILLIAM W. KITCHIN. That is correct, and before we can manufacture any at Newport ourselves we must first have a factory. I think it is safe to authorize the erection of this plant out of this appropriation. Then, after we have our plant perfected, hereafter it may be necessary to appropriate \$500,000 a year to the plant in order to make the necessary torpedoes.

Mr. BUTLER of Pennsylvania. How about the royalty?

Mr. WILLIAM W. KITCHIN. As to the royalty, I have alluded to that. Admiral Mason thought \$500 on each torpedo a sufficient royalty.

Mr. MADDEN. Is it proposed that the Government shall make all of the torpedoes?

Mr. WILLIAM W. KITCHIN. No; personally, I should favor that, but the recommendation of the Department is that we be prepared to make them, and to make one-half of our supply in that respect, as I understand the testimony.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken; and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the words "two hundred and fifty" in line 19 and insert in place thereof the words "five hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 19 strike out the words "two hundred and fifty" and insert the words "five hundred."

Mr. FITZGERALD. Mr. Chairman, under the amendment that has just been adopted \$155,000 will be utilized for the building of a torpedo factory. The Department asked for \$500,000 for the purpose of acquiring reserve torpedoes. Last year they asked Congress to give \$100,000 for that purpose, and no money was given. In the hearings it was shown that 606 torpedoes are needed to supply the ships now in commission. The Department has on hand 570, and the Chief of the Bureau states that so long as this condition continues the Department is not prepared for war so far as its ability to supply these ships with torpedoes is concerned.

I recollect in the last session I called the attention of the House to the fact that the Department had notified the committee that it did not have sufficient torpedoes to supply one round for all the vessels in commission.

If we are to maintain our Navy, there is no more important thing, in my judgment, than to have the ammunition on hand that would be required in case the vessels were called into serv-

ice. The committee gave \$250,000 for the purpose of obtaining these torpedoes. One hundred and fifty-five thousand dollars of that is to be utilized in building a factory. It seems to me that at least more than \$100,000 should be available for the purpose of obtaining torpedoes. The hearings show that they cost, if obtained by contract, \$7,000; that about twenty are lost in each year in experimenting and practicing with the ships, so that the \$100,000 that will be available to acquire new torpedoes will not be sufficient even to replace those that are likely to be lost during the coming year. Whatever desire there may be to economize, to keep down appropriations, it seems to me that the Department should have sufficient funds to acquire either by contract or purchase sufficient torpedoes to at least supply one round for the ships now in commission. In addition to that, it is pointed out in the hearings that in the course of a few years 996 will be the number of torpedoes that will be required for one round for all the ships in commission, and the Department asks in addition that it have a reserve sufficient to supply an additional round. It would take a great many years, even utilizing the one plant that exists and the plant that it is proposed to erect, to furnish these torpedoes. We should either stop placing torpedo tubes in the battle ships and building torpedo boats to utilize torpedoes or else we should at least have on hand a sufficient number to permit these vessels to be used if, unfortunately, they should be called into action.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PERKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 23551. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1908; and

H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELKINS, Mr. PERKINS, and Mr. MALLORY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARREN, and Mr. DANIEL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 21204. An act to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots;

H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy;

H. R. 8365. An act for the relief of C. A. Berry;

H. R. 15242. An act to confirm titles to certain lands in the State of Louisiana; and

H. R. 20169. An act for the relief of Margaret Neutze, of Leon Springs, Tex.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 8362. An act to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah; and

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.

#### NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Torpedo station, Newport, R. I.: For labor, material, freight and express charges; general care of and repairs to grounds, buildings, and

wharves; boats, instruction, instruments, tools, furniture, experiments, and general torpedo outfits, and new smokestack and flues for boilers, \$70,000.

Mr. PARKER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to extend my remarks not to exceed fifteen minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to speak for fifteen minutes. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, my remarks to-day will be a comparison of the Army and the Navy with reference to pay, promotion, retirement, and command. It is a subject large enough for days of speech. I want to put before the House in a few words, without referring more than need be to figures, the conditions which attend two of the most honorable professions that exist—professions in which officer and man devote their lives—yes, themselves in life or death—to the service and command of their country.

#### PAY OF ENLISTED MEN AND NONCOMMISSIONED OFFICERS.

Mr. Chairman, we learn much from the estimates. The estimates of the Navy (p. 493) are for 37,500 petty officers, seamen, and other enlisted men. The appropriation asked for them is \$13,500,000. It will be understood that I speak in round numbers. The appropriations asked for the Army on pages 169 and 170 of the estimates were for about 59,500 men, and the appropriations asked for them were \$12,556,000. Thus, for over 59,000 men less is asked than for 37,500. The average for the Army which was asked for all noncommissioned officers and men is \$212.50 a year, and the average for the Navy which is asked is \$360 a year. Again, in the number of the Army already given are included all noncommissioned officers, sergeants, corporals, electricians, and pharmacists. The Navy appropriation referred to does not include what are called "warrant officers," allowed by statute, though it does include petty officers. These petty officers are paid as fixed by the President's order, and instead of the pitiful sum of \$30 or \$34 a month that we pay our sergeants with the exception of a few electricians who get \$60 or \$70 a month, naval petty officers are paid as high as \$85 a month on the President's order.

But besides those petty officers there are what are known as "warrant officers," in number 819, with a pay running from \$900 to \$1,950, comprising boatswains, carpenters, sailmakers, machinists, pharmacists, and mates, with an average pay of \$1,239.36, making altogether for warrant noncommissioned officers, petty officers, and enlisted men, 38,319 in number, \$14,500,000 and odd, or an average pay of \$378.58, which is 80 per cent more than the average pay of the Army. Do not think that I complain of the inequality, Mr. Chairman. But in these days of varied pursuits skill is needed in artillerymen, electricians, photographers, and machinists. Skilled farriers, saddlers, etc., are needed in the cavalry. In the Engineering Corps, and all through the Army, we need skilled men with training, and the United States must pay them if we expect to have them and keep them. I wish that we could have the same rule in the Army that exists in the Navy, and that the settlement of the pay could belong to the Executive, so that instead of appropriating as we do for every sergeant and corporal we could appropriate for the pay of the Army and leave the President to order what rates should be paid as a practical matter of necessity that changes from day to day.

The following and all other extensions of my remarks are in small print, so as not to break the current of what I said.

#### NOTE ON NONCOMMISSIONED OFFICERS AND ENLISTED MEN.

The conditions of the service of enlisted men and warrant and petty officers are very different in the Army and Navy. The number of such in the Army are as follows:

| Noncommissioned officers and men.               | Number. | Pay.            |
|---|---------|-----------------|
| Line.....                                       | 52,578  | \$10,624,442.25 |
| Engineers.....                                  | 1,282   | 302,604.00      |
| Ordnance Department.....                        | 700     | 223,372.00      |
| Quartermaster's and Subsistence Department..... | 400     | 96,600.00       |
| Electricians, Artillery Corps.....              | 125     | 69,300.00       |
| Signal Corps.....                               | 1,212   | 372,448.00      |
| Hospital Corps.....                             | 3,155   | 870,360.00      |
| Total.....                                      | 59,452  | 12,556,126.25   |

This is an average pay for each enlisted man of \$212.83.

The warrant officers of the Navy (see pp. 614-615) are as follows: 4 chief boatswains (ensigns after twenty years), at \$1,960; 3 chief boatswains (fourth five years), at \$1,820; 20 chief boatswains (third five years), at \$1,680; 2 chief boatswains (third five years) (beyond seas), at \$1,748; 37 chief boatswains (second five years), at \$1,540; 2 chief boatswains (second five years) (beyond seas), at \$1,694; 59 boatswains (second three years), at \$1,300; 46 boatswains (first three years), at \$1,200; 5 chief gunners (ensigns after twenty years), at \$1,960; 6 chief gunners (fourth five years), at \$1,820; 17 chief gun-

ners (third five years), at \$1,680; 48 chief gunners (second five years), \$1,540; 1 chief gunner (second five years) (beyond seas), \$1,694; 35 gunners (second three years), at \$1,300; 56 gunners (first three years), at \$1,200; 10 chief carpenters (ensigns after twenty years), at \$1,960; 2 chief carpenters (fourth five years), at \$1,820; 21 chief carpenters (third five years), at \$1,680; 28 chief carpenters (second five years), at \$1,540; 1 chief carpenter (second five years) (beyond seas), \$1,694; 39 carpenters (second three years), at \$1,300; 30 carpenters (first three years), at \$1,200; 6 chief sailmakers (ensigns after twenty years), at \$1,960; 116 warrant machinists (third three years), at \$1,400; 52 warrant machinists (second three years), at \$1,300; 82 warrant machinists (first three years), at \$1,200; 17 pharmacists (fourth three years), at \$1,600; 4 pharmacists (third three years), at \$1,400; 4 pharmacists (second three years), at \$1,300, and 66 mates (appointed since August 1, 1894), at \$900.

The pay of petty officers and seamen is shown on page 575 of Pulsifer's Navy Year Book (S. Doc. 140, 59th Cong., 2d sess.), which is a perfect mine of information, as follows:

Chief petty officers, \$50 to \$85.  
Petty officers, first class, \$36 to \$70; second class, \$35 to \$45; third class, \$30 to \$35.

Seamen, first class, \$24 to \$28; second class, \$19 to \$33; third class, \$16 to \$24.

Commissary branch, \$16 to \$80; mess men branch, \$16 to \$65; enlisted men of the Marine Corps, \$13 to \$44.

The above rates of pay are affected by the following provisions:  
Allowance of 75 cents per month for each good-conduct medal, pin, or bar; allowance of \$5 per month for duty on submarine vessels of the Navy; allowance of \$5 per month for crew mess men; allowance of 33 cents per day for seamen and ordinary seamen doing duty as firemen or coal passers; allowance of from \$1 to \$3 per month for men doing duty as signalmen; allowance of from \$2 to \$10 per month for men doing duty as gun pointers.

The above are the most important variations of pay allowed by law. A few are not given, because of the small number of men affected.

By a more recent Executive order the pay of each rating is increased \$5 a month during the second period of service, and \$3 per month during every subsequent period of service. The pay of noncommissioned officers of the Army is shown on pages 169, etc., of the estimates. Sergeant-majors get \$408; first sergeants, \$300; farriers, corporals, and sutlers, \$180; wagoners, \$168; musicians, trumpeters, and privates, \$156. Some of the chief musicians get up as high as \$720; first sergeants in the Signal Corps, \$540; master electricians (end of page 170) get \$900.

It is interesting to compare the first-class sergeants in the Hospital Corps, \$540 a year, besides longevity pay, amounting in all to nearly \$60 a month, or \$720 a year, while a first-class pharmacist in the Navy, which is the same position, gets \$1,600 a year.

Beyond all question, the varied pay which must in these days be given to men of varied skill should not wait the years which are necessary for Congressional legislation, but be fixed by Executive order, so as to get, keep, and properly reward the right men. And some equality should be established between the like employment in the Army and Navy.

#### PAY OF COMMISSIONED OFFICERS.

Now, Mr. Chairman, I pass briefly—I have little time—I pass briefly to the officers. Their pay in the Army and Navy is nominally the same—that is to say, men of equivalent rank get the same pay. The naval ensign has rank and pay of a second lieutenant; a junior lieutenant in the Navy has the pay of a first lieutenant in the Army; a lieutenant in the Navy has the pay of a captain in the Army; a lieutenant-commander has the rank and pay of a major; a commander has the rank and pay of a lieutenant-colonel, and a captain in the Navy has the rank and pay of a colonel. A rear-admiral of less than five years' service gets the pay of a brigadier-general, and after only five years' service he receives the pay of a major-general. But that pay of the rank does not state the whole case. When a young man goes into business or into a profession he does not want to know merely what is the pay of the various grades, but how many there are in the higher grades and what chance he has for promotion. The difference is already indicated by the statement that a rear-admiral of the Navy, ranking with and paid the pay of a brigadier-general, is promoted for five years' service to the pay of a major-general. The estimates are for 1,079 commissioned officers in the Navy of all grades, and for somewhere between 3,400 to 3,500 in the Army. There ought to be, therefore, over three times as many officers of the rank of major-general in the Army as in the Navy; but instead of that there are only half as many—seven major-generals of the Army and fourteen rear-admirals, with major-generals' pay, in the Navy.

There are twenty-five brigadier-generals in the Army, and the Navy, with not one-third as many officers, should have eight, and has eleven. For the ninety-four colonels in the Army there should be thirty-one captains in the Navy, and there are eighty-four. For the one hundred and twelve lieutenant-colonels there should be thirty-seven commanders, and there are one hundred and twenty-two. For the two hundred and eighty-five majors there should be ninety-five lieutenant-commanders, and there are two hundred and six.

Less than 3 per cent of Army officers are colonels and 11 per cent of the Navy officers are of the equivalent rank and pay of captain.

Eight per cent of the Army officers are majors and 19 per cent of the Navy officers are lieutenant-commanders, with majors' pay.

Twenty-seven per cent of the Army officers are first lieutenants. The equivalent grade in rank and pay is that of junior lieutenant, and there are none in the Navy and will be none in 1908.



Captains and second lieutenants will not show the same difference.

The result of it all is that 438 of the 1,079 officers of the Navy, or over 40 per cent, get the pay of major or more, whereas in the Army only 524 out of 3,436, or less than 16 per cent, get that pay. In both lists we take only such staff bureaus as are officered from the line, leaving out doctors, chaplains, paymasters, and naval constructors.

Do we wonder that the Army generals, majors, and captains, and colonels sometimes wish for promotion? Perhaps it is not wrong that a man of ability and character, who has given his life to his country, should have a fair chance to get the pay that comes to men in business life of \$5,000 to \$7,000 a year.

To state the matter otherwise, the pay of 3,435 Army officers of all grades is estimated at \$7,815,300, or at an average of \$2,274.56 each, while the pay of 1,079 Navy officers is estimated at \$3,087,784, or an average of \$2,862 each. Officers in the Navy, on the average, get more than a quarter more pay than in the Army. The reason is that there is not the same proportion of higher officers in the Army. It is not a question of the pay of each rank, but that there are more promotions.

I insert here certain tables giving details as to these statements:

ARMY OFFICERS' PAY.  
[Estimates, pp. 169 to 171.]

|                     | Line. | Military Secretary. | Inspector-General. | Engineers. | Ordnance. | Quartermaster's Department. | Subsistence. | Judge-Advocate. | Insular. | Signal Corps. | Total. | Per cent. | Estimated pay.   |
|---------------------|-------|---------------------|--------------------|------------|-----------|-----------------------------|--------------|-----------------|----------|---------------|--------|-----------|------------------|
| General             |       |                     |                    |            |           |                             |              |                 |          |               |        |           |                  |
| Lieutenant-general  | 1     |                     |                    |            |           |                             |              |                 |          |               | 10,000 | .29       | \$11,000         |
| Major-general       | 6     | 1                   |                    |            |           |                             |              |                 |          |               | 7      | .002      | 7,000            |
| Brigadier-general   | 16    | 1                   | 1                  | 1          | 1         | 1                           | 1            | 1               | 1        | 1             | 25     | .007      | 5,500            |
| Colonels            | 58    | 5                   | 3                  | 10         | 6         | 6                           | 3            | 2               | 1        | 1             | 94     | .027      | \$3,500 to 4,500 |
| Lieutenant-colonels | 58    | 7                   | 4                  | 16         | 9         | 9                           | 4            | 3               | 2        | 2             | 112    | .032      | 3,000 to 4,000   |
| Majors              | 174   | 10                  | 9                  | 32         | 19        | 20                          | 9            | 6               | 6        | 6             | 285    | .082      | 2,500 to 3,500   |
| Captains            | 870   |                     |                    | 43         | 25        | 60                          | 27           |                 |          |               | 181    | .043      | 1,800 to 2,800   |
| First lieutenants   | 870   |                     |                    | 43         | 25        |                             |              |                 |          |               | 18     | .956      | 1,590 to 2,240   |
| Second lieutenants  | 870   |                     |                    | 43         |           |                             |              |                 |          |               | 913    | .265      | 1,400 to 2,100   |
| Total               | 2,923 | 24                  | 17                 | 188        | 85        | 96                          | 44           | 12              | 1        | 46            | 3,436  |           |                  |

NAVY OFFICERS' PAY.  
[Estimates, p. 614.]

|   | Number. | Per cent. | Estimated pay. |
|---|---------|-----------|----------------|
| Admiral, equivalent of general  | 1       | 0.001     | \$13,500       |
| Rear-admirals, equivalent of lieutenant-general                         | 14      | .013      | 105,000        |
| Junior rear-admirals and bureau chiefs, equivalent of brigadier-general | 11      | .010      | 60,500         |
| Captains, equivalent of colonel   | 84      | .078      | 378,000        |
| Commanders, equivalent of lieutenant-colonel                            | 122     | .114      | 489,700        |
| Lieutenant-commanders, equivalent of major                              | 206     | .190      | 722,050        |
| Lieutenants, equivalent of captain                                      | 359     | .332      | 884,600        |
| Junior lieutenants, equivalent of first lieutenant                      | None    |           |                |
| Ensigns, equivalent of second lieutenant                                | 282     | .262      | 434,434        |
| Total   | 1,079   |           | 3,087,784      |

Average Navy pay, \$2,862.

ARMY OFFICERS' PAY.  
[From Estimates, pp. 168 to 171.]

|                        | Total pay.  | Number of officers. |
|------------------------|-------------|---------------------|
| Line                   | \$6,333,200 | 2,923               |
| Military Secretary     | 100,500     | 24                  |
| Inspector-General      | 66,500      | 17                  |
| Engineers              | 477,800     | 188                 |
| Ordnance               | 228,500     | 85                  |
| Quartermaster          | 282,500     | 96                  |
| Subsistence            | 160,000     | 44                  |
| Judge-Advocate-General | 47,000      | 12                  |
| Insular                | 5,500       | 1                   |
| Signal Corps           | 113,800     | 46                  |
| Total                  | 7,815,300   | 3,436               |

Average Army pay, \$2,274.56.

Percentage of officers of or above the ranks following.

|  | Army.  | Navy. |
|--|--------|-------|
| Major-general (Army) or rear-admiral (Navy)                                | 0.0003 | 0.014 |
| Brigadier-general (Army) or junior rear-admiral and chief of bureau (Navy) | .009   | .024  |
| Colonel (Army) or captain (Navy)   | .086   | .102  |
| Lieutenant-colonel (Army) or commander (Navy)                              | .068   | .216  |
| Major (Army) or lieutenant-commander (Navy)                                | .150   | .406  |
| Captain (Army) or lieutenant (Navy)  | .452   | .738  |
| First lieutenant (Army) or junior lieutenant (Navy)                        | .722   | .738  |
| Second lieutenant (Army) or ensign (Navy)                                  | 1.000  | 1.000 |

This average pay of \$2,274.56 in the Army and \$2,862 in the Navy, and certainly the pay of \$1,400 and \$1,500 in the lower grade for the first five years, are, in the judgment of many, inadequate. The rates of pay were settled many years ago. Expenses have largely increased for uniforms, food, wages, and rents. Commutation of quarters is ludicrously small and should certainly vary with the size of the town where the duty is performed, and possibly with the size of the officer's family. It would be invidious to express an opinion whether the Army or the Navy need most pay. The naval officer, besides supporting his family, must contribute to his officers' mess, must regard himself as representing the United States, and must be hospitable when he meets officers of other countries. The Army officer, when ordered to the Philippines, must take his family with him or send them home, and receives nothing for their traveling expenses. Without comparison of one service with the other, the pay of our officers is not enough. The style of living has changed since it was adopted. It is idle to suggest that teachers, clergymen, and lawyers in the country often receive less. They are not required, like the officer, to keep themselves and their family well dressed, well educated, ready to accept any courtesies shown them by any neighborhood where they may be, as well as to change their home whenever the Government may order.

The Navy officer has a variety of responsibilities and duties, involving artillery, engineering, equipment, repair, and supply, as well as seamanship and international law and its practical application, which do not fall upon the Army officer, and which give to the officer of the Navy a variety of training which is much to be envied.

Navy cadetship lasts for six years instead of four years. The age limit, however, is two years younger in the Army, so that the age of commission as ensign or second lieutenant is expected to be about the same.

In comparing the position of officers in the two branches of the service, it is fair that the separate bureaus, which are called the staff, should be reckoned with the line when they are, in fact, filled wholly or mostly by promotions from the line. This is the case in the Army with the departments or bureaus of The Military Secretary, Inspector-General, Engineers, Ordnance, Quartermaster-General, Subsistence, Judge-Advocate-General, and Insular possessions. The Medical Department and the places of chaplains are filled from civil life and not from the line, and the pay department in the Army and Navy, and the civil engineers in the Navy are chiefly so filled and therefore left out of account.

The Bureau of Construction, etc., is, like Army engineers, filled from academy cadets. It was not so understood when the table was prepared. But to include it would have raised the Navy average for the 75 officers for \$231,100, or \$3,081.33 each.

#### PROMOTION AS DELAYED BY EQUALITY OF AGE.

The chance of promotion does not depend solely on the number in each grade, but on the comparative age of the officers. If they are older in the higher ranks, and the young are appointed as the old men go out, there will be a fairly steady flow of promotion throughout the service.

But if any such service be suddenly enlarged or otherwise filled with new appointments or promotions of young men, then they are all young together, and promotion of those at the bottom must wait until the young men at the top die or retire. That is what is called a "hump." It happened at the close of the war in both Army and Navy. The Army was increased to 50,000 men. It was filled up with gallant officers of the war, all young, mostly about 25 years old, and promotion almost stopped. When I came to Congress I was able to find and report in 1896 and thirty years after the war it was true that not only all major-generals and all brigadier-generals and all colonels and lieutenant-colonels, but nearly all the majors, half the captains, and some lieutenants (they were in the artillery) had served in the civil war and had been thirty years waiting for promotion, because only young men had been above their heads. That was what was technically called the "hump" in the Army and Navy, and the difficulty was, and is, how to prevent such a "hump."

Congress in 1899 and 1903 increased the personnel of the Navy. They increased it so much that there is not left a single junior lieutenant who answers to first lieutenant in the Army, but every ensign after three years' service as such becomes a senior lieutenant with the pay of captain in the Army. If the Navy be filled up soon with young graduates from the Naval Academy, there will be a like "hump." What is to be done? What is the ordinary and proper way to prevent a disheartening stagnation in promotion?

The misfortune of a hump—that is, of filling the whole list with men of the same age—is that it repeats itself, for they go out, by age or death, much at the same time, and their places are suddenly filled by younger men. Since 1900 almost all the civil war veterans have disappeared from the Army list, and the Army, being largely increased

since the Spanish war, has been filled with younger men, which will cause another stoppage of promotion as soon as the ranks are full.

The suddenness of the change might have been diminished if the promotion of civil-war veterans one grade on the retired list had been passed in 1896, when first proposed in a report on the case of David S. Gordon. This measure was not adopted until 1904, and meanwhile, after the year 1898, the suddenness of the change in officers was increased by the plan adopted by the President of promoting officers through the grade of brigadier-general, with immediate retirement, so as to give some reward in their old age to men who had served so many years with little promotion and on low pay.

The same conditions prevail in the Navy. The number of officers has been increased by the personnel bill of 1899, section 7 (see Navy Year Book, p. 528), and the appropriation bill of 1903, under "Naval Academy" (Year Book, p. 421), so as to consist of 18 rear-admirals, 70 captains, 112 commanders, 200 lieutenant-commanders, 350 lieutenants, and such total numbers of lieutenants (junior grade) and ensigns as might qualify for such grades under existing law, the increases in the grades of lieutenant-commander and lieutenant to be filled by promotion each year of one-fourth. These numbers are so far in excess of present graduations from the academy that the number of lieutenants answering to captain in the Army is not full, and there are no junior lieutenants whatever answering to lieutenant in the Army. On the other hand, there are some extras in the higher grades under a law allowing promotions in the Spanish war and longitudinal to those grades.

#### RETIREMENT AND LONGEVITY PAY.

Several reliefs have been attempted. One is a system of retirement for age. Another is the system of longevity pay, by which we pay a man more, though in the same rank, as years roll on and a family grows about him. Another is the system of compulsory retirement lately adopted in the Navy, which not only lets officers resign with an additional grade, but actually retires a certain number against their will with an additional grade if the promotions do not go fast enough to satisfy the personnel act. I have no time now to discuss which way is the best.

Another plan is the one existing in the Navy of having a large number of men in the upper ranks who, if at any time there are too many officers, used to be put on leave or on waiting orders at reduced pay, or could be put on furlough at about one-quarter pay. This is still the law for the Navy, and when our fleet was small it could keep on the list a large number of officers and give active work only to those who were selected. I can only indicate the difficulties of the subject and its complications to the House at this time. (See Appendix.)

#### COMMAND.

The real question in the Army and the Navy is not one of money, but of command. The real question in time of peace is how to give young men the training of responsibility. In the short time remaining to me I can indicate the difficulty, but can only touch on how it is to be met. The difficulty, both in the Army and in the Navy, is in the size of the unit of command. We are building nothing but battle ships. We have over a hundred captains or admirals and only thirty-eight battle ships and armored vessels for them to command. The lieutenants get no independent command, nor the lieutenant-commanders. One cure for this would be to have more small ships and to train the Navy officer upon revenue cutters, light-house tenders, and Army transports. If gentlemen will look at the report of the Naval Committee they will find that in every other navy in the world there is a vastly larger proportion of smaller boats. We want them now, not because they are not possible to provide in short order if threatened by war, but because they are needed in time of peace in order to give young officers responsibility with small boats before putting them without previous training in charge of a ship that costs \$8,000,000.

The United States has 18 battle ships, first class; 12 coast-defense vessels; 8 armored cruisers—38 in all. It also has 5 cruisers averaging from 8,000 to 9,000 tons, 17 averaging a little over 4,000 tons, 22 averaging under 2,000 tons, besides 16 torpedo-boat destroyers, and 32 torpedo boats, and 8 submarines, making 100 unarmored vessels in all.

Great Britain has 82 armored vessels and 311 unarmored; France has 51 armored vessels and 350 unarmored; Germany has 34 armored and 122 unarmored; Japan has 23 armored and 161 unarmored. The particulars are in the last table annexed to the report on this bill. All these nations have large numbers of smaller vessels, which give practice to young officers, who learn habits of responsibility and command.

The value of torpedo boats as a coast defense, to keep foreign fleets well away, has never been tested by a nation that breeds such men as Cushing, ready to take their lives in their hands for the sake of success. There might be hundreds of such small boats in our harbors or laid up on shore. If we have no naval officers to spare, there are hundreds of tug boat captains and pilots who would show what Americans can do and dare, if a hostile fleet was found within 100 miles. But as our Navy fills up from the enlarged Naval Academy we shall have young officers idle unless we have the smaller craft in which to try and prove the stuff of which each man is made.

In the Army I believe the same principle is to be followed. We are getting large garrisons in brigade posts. I doubt whether I believe in large garrisons, because the captains or the under officers in those garrisons are nothing but mere subordinates, pawns doing the orders of the post commander. I believe in small posts, though I believe in uniting the men of those small posts for study of the science of actual warfare for

six months during the summer in large commands of a division or a corps, but in camps and away from the houses and homes which expose our Army, like the armies of the rest of the world, to the danger of garrison dry rot.

#### CONCLUSION.

Now, Mr. Chairman, only one word. Let no man of the Army or Navy think that Congress either grudges or counts the cost of promotion or pay. Let us be liberal. The pay account in the Navy is less than a quarter of the total appropriation contained in the bill. The pay account in the Army is hardly a quarter of the total appropriations, including those of other bills for fortifications and barracks and quarters. We do not grudge fair pay. The cheapest thing the country can buy is men—cheaper than guns, or forts, or ships, and greater. [Applause.]

#### APPENDIX.

##### LONGEVITY PAY.

Officers in the Army and Navy up to the rank of colonel receive 10 per cent additional for every five years' service, not to exceed 40 per cent in all, and with a provision that colonels shall not receive over \$4,500 and lieutenant-colonels not over \$4,000. A second lieutenant of long standing may thus receive more than a junior captain. It is questionable whether the principle of longevity pay might not be extended so as to make pay dependent wholly on seniority and independent of rank or other conditions, except as some allowances might be made for entertainment, foreign service, or detail to expensive cities. For example, if the pay of a lieutenant were \$2,000, increased each year by \$100 it would amount after forty years to \$6,000, and be very nearly the pay now received with ordinary average promotion, while it would avoid the inequalities between the Army and Navy and the different branches of the line and staff, would enable the officers of regiments to be kept together and prevent the feeling of injustice when the younger men are selected for difficult command. Under such a system there would be no need of so strict an age limit for entrance into the service.

This is so radical a suggestion that it has been surprising to find that quite a number of officers have welcomed it as a real solution of some, at least, of the inequality and injustice which would result from any system of promotion by selection and result now from inequality in various branches of the service.

##### RETIREMENTS, ETC.

The system of retirement has largely come in since the civil war. Before the war Army officers held their commissions during life, but active work was probably intrusted to younger officers. The Navy had a nominal retired list, and they had an equivalent in the system still remaining, by which supernumerary officers can be put on leave or waiting orders, with reduced pay, or half that pay when on furlough, and the Secretary of the Navy could place any officer on furlough. (R. S., 1442, 1556, etc.)

As early as February 28, 1855, there had been a reserved list on leave of absence pay or furlough pay, according to the approval of the President. This system was a naval necessity, because there were often more officers than there were ships.

The outbreak of the civil war found the Army with no retired list, and all officers with high command were old and often incapable of the active service required in the war. In August, 1861, not over 7 per cent were authorized to be retired on full pay if incapable of service. On July 17, 1866, any officer over 62 years old, or forty-five years in service, might be retired at the discretion of the President; and since that time the officers at 64 years of age must be retired, or, after forty years of service may be retired by the President, or after thirty years, service may be so retired by the President on their own application, with three-quarters pay of the last grade. Those unfit for duty, for causes incident to the service, are likewise so retired, and if this be found after mental examination for promotion, the officer receives the retired pay of the advanced grade, while for causes not incident to the service the officer may be retired wholly without pay.

The system is complicated and works sometimes well and sometimes ill. While it makes promotion for younger officers, it sometimes takes away our very best commanders in the flower of their age. Some men are old at 45 years of age and some are boys at 70. The German army has not found it necessary to turn out their best men because of age. Our own Navy takes them back into active service, with full pay. The really important thing is to get rid of the laggards. If we could test our officers in summer by the fatigues of protracted field maneuvers like those of other nations, we might, like those nations, find it unnecessary to question an officer's age, while we would get rid of a great many men whom no board would find incapable of service but who are really not useful in their profession.

It is not certain that retirement for disability always works well. Causes are held to be incident to the service if they are not proved to be otherwise, and where an officer has served gallantly for many years it is hard for a retiring board not to be somewhat blind if his habits are not of the best. What is more, men who are really disabled are allowed to hang on until they can take examination for promotion, so as to have an advance.

There is much to be said in favor of making retired pay a deferred pay for services performed, proportionate to the length of service. In the English civil service employees of certain standing—I think thirteen years—may withdraw or retire at any time, by resignation or otherwise, with as much per cent of the last pay for life as they have served years. In the Army the per cent should be larger, and the provision might well be that any officer who has served honorably for fifteen years may retire at any time with twice as many per cent of his last pay for life as he has served years, but not exceeding 75 per cent. Of course, disability by wounds should always get the full per cent. We should thus get rid of perplexing questions as to disability and its extent and cause and should have an opportunity to get men honorably out of the service who have done gallant and faithful work, but have given way when older to the temptations of sloth or appetite and are unfit for further service.

Of late years a somewhat questionable system has been adopted, abroad and in our own Navy, of aiding promotions by encouraging or forcing retirements in the upper grades. The Navy personnel bill of 1899, section 8, allows captains, commanders, and lieutenant-commanders to apply for volunteer retirement, as follows:



"Sec. 8. That officers of the line in the grades of captain, commander, and lieutenant-commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of 'applicants for volunteer retirement,' and when, at the end of any fiscal year, the average vacancies for the fiscal years subsequent to the passage of this act above the grade of commander have been less than thirteen, above the grade of lieutenant-commander less than twenty, above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant (junior grade) less than forty, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list with the rank and three-fourths the sea pay of the next higher grade, as now existing, including the grade of commodore, to cause the aforesaid vacancies for the fiscal year then being considered."

By section 9, if volunteer retirements do not create these average vacancies, a retiring board selects and retires not more than five captains, four commanders, four lieutenant-commanders, and two lieutenants in order if possible to make up the number.

Thirteen a year would sweep out the 84 rear-admirals and captains in less than seven years; 20 a year would dispose of the 196 admirals, captains, and commanders in less than ten years; 29 a year would renew the whole list of 396 admirals, captains, commanders, and lieutenant-commanders in less than fourteen years.

The youngest lieutenant of the 307 now on the Navy list became an ensign only three years ago. Eleven years at the minimum of 29 vacancies would make him a lieutenant-commander, and not quite fourteen years more would take him out of the service. This allows a severe selection to be maintained, while it gives those who are retired nothing to do and an advanced grade, with a retired pay about equal to the active pay they were getting. If they are detailed into active service they will get the full pay of the advanced grade. Perhaps under these circumstances it is sometimes an advantage to have been retired.

Retirement is more likely to occur in the Navy than in the Army. The safety of the ship depends constantly on the seamanship of its officers, and no favor can be safely shown in an examination. The physical requirements as to sight and hearing must be more severe, because the safety of the ship may at any time depend upon them and because glasses can not be used in the ocean spray. Probably for similar reasons the compulsory age of retirement is fixed at 62 years in the Navy, while in the Army it is 64 years.

Just now the Navy needs officers and will probably employ all that are retired. Meanwhile, although the ranks provided by the present personnel bill are not full, a new personnel bill is warmly advocated increasing the number in each grade.

It is a question whether we can ever have a system fair to Army and Navy and all branches of the service that does not base active and retired pay solely on length of active service and not on rank, which must so often be the sport of legislation as well as chance.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. PARKER] may have leave to extend his remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Coal and transportation: Purchase of coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, \$3,750,000.

By Mr. WILLIAM W. KITCHIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Insert, in line 9, page 2, after the word "dollars," the following: "Provided, That no part of this appropriation shall be expended for coal in the Philippine Islands, except for coal purchased from the lowest bidder: And provided further, That no part of this appropriation shall be expended for the transportation of coal to the Philippine Islands, except to the lowest bidders for such transportation in steam vessels and to the lowest bidders for such transportation in sailing vessels, whether such steam and sailing vessels shall be American or foreign."

Mr. WILLIAM W. KITCHIN. Mr. Chairman, upon that amendment I wish to say that it will save, in my judgment, to the Government in the course of each twelve months many thousands of dollars. Now we are required to transport our coal in American bottoms unless the President finds the rate unreasonable and excessive. The rates that were paid under the new law of 1904 during the year of 1905 were 47 per cent to American vessels in excess of the rate paid to foreign vessels, and in 1906 51 per cent in excess to American vessels over foreign vessels. Now, this practical excess of 50 per cent in favor of American vessels amounted to a subsidy in their favor of near \$3 per ton. Yet notwithstanding that preferential in favor of American vessels, the coal-carrying fleet of American vessels has not been increased. To-day the Government finds it impossible to secure enough American vessels to transport our coal to the Philippines, even when it is willing to give \$3 or \$3.50 more per ton than to foreign vessels.

No gentleman ought to oppose this on the ground that it is contrary to any American industry, because under it in all probability we will still use American coal. We can buy American coal in the Philippine Islands for about \$1 a ton cheaper than we can buy European coal, provided we let the Navy buy it after being transported in foreign bottoms. You can buy American coal there to-day for the price at which the American steamers offer to transport the coal. We can save the original cost of the coal by giving the Secretary power to buy American coal there.

The 1904 law has cost this Government, through the Navy Department, thousands of dollars from year to year without

bringing any benefit to the American people. No one can oppose this amendment on the ground that coal is an article of which we have a great surplus for which this country ought to pay a bounty for its transportation abroad, because this very winter we are having a coal famine and there has been a lack of the necessary American coal throughout various sections of this land. There is a shortage of cars handling coal, we understand. You can not oppose this amendment under the plea that it will throw labor out of employment, because there is a shortage of labor in almost every section of this land.

You can only defeat this amendment by adhering to the spirit of "stand-patism" that will contravene the best interests of the people; that will help no coal miner, nor shipowner, nor laborer, nor any other class of our citizens, in my judgment. The Department desires relief from the law of 1904. The Department, we are told, will next year need 150,000 tons of coal in Cavite, in the Philippines. According to the last offers made to the Department we can, if permitted to do so, buy American coal there for \$7.25 or \$7.50 a ton, while we can not secure transportation of the coal in American steamers for less than \$7.50 after we buy it here at a cost of \$2.75 per ton. Under the present law every ton of coal bought here and transported in American steamers costs us at Cavite from 30 to 40 per cent more than our coal there will cost us under this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I wish to say just a word upon this question. On April 28, 1904, an act was passed providing that naval supplies, including coal, should be shipped in American bottoms, unless the President shall find the rates of freight charged by such vessels are excessive and unreasonable.

Since that act was passed we have shipped some of our coal in American bottoms, but the major part of it has been shipped in foreign bottoms. The excess which has been paid to American ships in 1905 amounted to \$133,000, and in 1906 to \$63,000, making in all up to the present time, since the passage of the act, an excess of \$197,184. Now, this year the situation is that it is almost impossible to get American bottoms to carry this coal, and it is very difficult also to get coal anywhere, and the Department has made a very full statement of the condition in a pamphlet, which I have before me, and which I propose to put in the Record. They recommend that they be permitted to buy coal where it can be bought cheapest without being restricted to its transportation in American bottoms.

#### NO. 68.—TRANSPORTATION OF COAL—DEPARTMENT LETTER.

DEPARTMENT OF THE NAVY,  
BUREAU OF EQUIPMENT,  
Washington, D. C., February 5, 1907.

MY DEAR MR. FOSS: In compliance with your request over the telephone yesterday I inclose herewith additional data with reference to shipment of coal to Manila since the operation of the law requiring shipments to be made in American bottoms. This data is based on shipments to Manila for the reason that few shipments have been made in other directions in either American or foreign bottoms, since shipments to the other principal outlying stations are governed by the coastwise shipping law, so called, and foreign bottoms are therefore out of the question. It has therefore been necessary to purchase Cardiff coal, which can be had delivered, including duty, at rates about equal to the rates demanded for transportation only in American ships, to which must be added the cost of the coal. The coal, of course, is shipped in foreign bottoms, but is not shipped by the Government, but purchased at the station desired.

I shall be glad to furnish any additional information desired.

Very truly, yours,

WM. S. COWLES.

HON. GEORGE E. FOSS, M. C.,  
House of Representatives, Washington, D. C.

Vessels chartered to carry coal to Cavite since the law requiring shipment in American bottoms went into effect.  
1905.

|               | Number of tons. | Average cost of transportation. | Average cost of coal. | Total cost of coal and transportation. |
|---------------|-----------------|---------------------------------|-----------------------|--|
| Foreign.....  | 85,837.5        | \$4.80                          | \$2.48                | \$7.28                                 |
| American..... | 58,510.0        | 7.09                            | 2.48                  | 9.57                                   |

If coal shipped in American bottoms had been shipped in foreign bottoms at the average rate \$133,890 would have been saved to the Government.

1906.

|               | Number of tons. | Average cost of transportation. | Average cost of coal. | Total cost of coal and transportation. |
|---------------|-----------------|---------------------------------|-----------------------|--|
| Foreign.....  | 18,578          | \$4.00                          | \$2.55                | \$6.55                                 |
| American..... | 30,989          | 6.04                            | 2.55                  | 8.59                                   |

If coal shipped in American bottoms had been shipped in foreign bottoms at the average rate, \$63,294 would have been saved.

1907.

No coal has been shipped to Cavite during the fiscal year 1907. A contract has just been entered into for the transportation in foreign bottoms of 10,000 tons at \$4.70 and 40,000 tons at a rate equivalent to \$4.50. It is anticipated that 50,000 tons additional will be engaged during the year, and it is hoped and expected that a rate of \$4.25 to \$4.40 will be obtained.

Excess paid for American ships:

|      |              |
|------|--------------|
| 1905 | \$133,890.00 |
| 1906 | 63,294.00    |

Total for two years..... 197,184.00

|   |              |
|---|--------------|
| Total amount paid for transportation to Manila, 1905 and 1906 | 1,088,745.89 |
| Excess paid for American bottoms                              | 197,184.00   |
| Per cent of excess  | 18.1         |

DEPARTMENT OF THE NAVY,  
BUREAU OF EQUIPMENT,  
Washington, D. C., February 4, 1907.

MY DEAR MR. FOSS: In compliance with your request I forward herewith a memorandum prepared in my office bearing on the operation of the law requiring that vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, etc., for use of the Army and Navy. (Public—No. 198.)

A comparison of the rates the Government has been required to pay for transporting its coal in American bottoms with those paid for the same service in foreign bottoms will demonstrate how expensive this law has proven to the Government and how expensive it will continue to prove as long as it remains in force. This memorandum will also show that however desirable it may be to ship coal in American bottoms, the number of such ships available for the business do not begin to compare with the requirements.

It will be shown by this memorandum that though practically all American vessels available for the transportation of coal for the Government have been chartered to transport coal to Manila, the supply has been short of the demand in excess of 150,000 tons. In addition to this, it has been necessary to purchase many thousand tons of Welsh coal to supply other distant stations, such as Mare Island, Puget Sound, Honolulu, Sitka, Tutuila, etc.

You will also note that in addition to the rate of transportation demanded, additional concessions must be made American ships in the way of supplying ballast. Whether this adds to the cost of the coal to the Government does not matter; certainly it provides an additional income for the ship.

The law has been in effect two and one-half years. To the Bureau, it appears without question, it has been demonstrated that there are not sufficient American ships to carry out the intent of the law, and its operation is detrimental to the interests of the Government, and particularly so to the Navy Department.

I hope this memorandum may serve your purpose. It has been hurriedly drawn, but the facts are shown therein.

Very truly, yours,

WM. S. COWLES.

HON. GEORGE E. FOSS, M. C.,  
House of Representatives, Washington, D. C.

#### TRANSPORTATION OF COAL FOR THE BUREAU OF EQUIPMENT, NAVY DEPARTMENT.

1. The law entitled "An act to require the employment of vessels of the United States for public purposes" (Public—No. 198), requiring vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, etc., for use of the Army or Navy, unless the President shall find that the rates of freight charged by such vessels are excessive and unreasonable, was approved April 28, 1904, and became effective June 28, 1904.

2. The last call for proposals for vessels to transport coal to Cavite, P. I., prior to the operation of the act referred to above, was sent out May 24, 1904, in the form of a circular letter to twenty-three different concerns in the United States, and resulted in chartering three British steamers, carrying a total of 12,210½ tons, at an average cost of \$4.6325 per ton freight.

3. The first call for proposals under the operation of the law referred to was made by public advertisement October 25, 1904. Proposals were requested for transporting 25,000 tons of coal to the naval station, Cavite, in American vessels only. In addition to the public advertisement a special notice was sent to twenty-one shipowners, agents, or brokers, whose names were a matter of record in the Bureau of Equipment. Proposals were received as follows. It will be noted that though foreign tonnage was not requested considerable was offered.

Proposals for transporting 25,000 tons of coal from the east coast of the United States to the naval station, Cavite.

| Offered by—                      | Number of ships. | Number of tons. | Rate per ton. | Rate of transportation for 25,000 tons. |
|----------------------------------|------------------|-----------------|---------------|---|
| <b>AMERICAN STEAMERS.</b>        |                  |                 |               |   |
| Atlantic Transport Co .....      | 1                | 9,000           | \$7.00        | \$175,000                               |
| Lewis Luckenbach .....           | 2                | 9,000           | 7.50          | 187,500                                 |
| <b>AMERICAN SAILING VESSELS.</b> |                  |                 |               |   |
| Philip Ruprecht .....            | 1                | 5,000           | 6.50          | 162,500                                 |
| Arthur Sewall & Co. ....         | 2                | 8,000           | 6.50          | 162,500                                 |
| De Groot & Peck .....            | 1                | 2,000           | 7.00          | 175,000                                 |
| <b>FOREIGN STEAMERS.</b>         |                  |                 |               |   |
| Lind & Co. ....                  |                  | 25,000          | 4.16          | 104,000                                 |
| Funch, Edye & Co. ....           |                  | 25,000          | 4.20          | 105,000                                 |
| McCall & Co. ....                |                  | 25,000          | 4.23          | 105,750                                 |

#### Proposals for transporting 25,000 tons of coal, etc.—Continued.

| Offered by—                        | Number of ships. | Number of tons. | Rate per ton. | Rate of transportation for 25,000 tons. |
|------------------------------------|------------------|-----------------|---------------|---|
| <b>FOREIGN STEAMERS—continued.</b> |                  |                 |               |   |
| Hopkins & Co. ....                 |                  | 25,000          | \$4.70        | \$117,500                               |
| Ocean Transport Co .....           |                  | 25,000          | 4.87          | 121,750                                 |
| John R. Livermore .....            |                  | 5,000           | 6.00          | 150,000                                 |
| <b>AMERICAN COAL LAID DOWN.</b>    |                  |                 |               |   |
| Davis Coal and Coke Co .....       |                  | 25,000          | 6.93          | 173,250                                 |
| <b>BRITISH COAL LAID DOWN.</b>     |                  |                 |               |   |
| Barber & Co. ....                  |                  | 25,000          | 7.35          | 183,750                                 |
|                                    |                  | 25,000          | 6.35          | 158,750                                 |
|                                    |                  | 25,000          | 7.50          | 187,500                                 |
|                                    |                  | 25,000          | 6.50          | 162,500                                 |

Lowest offer for foreign steamers..... \$4.16  
Lowest offer for American steamers..... 7.00

Excess of offer for American steamers over offer for foreign steamers, \$2.84 per ton, or 68.2 per cent, which on the entire quantity for which shipment was contemplated—i. e., 25,000 tons—is a difference of \$71,000 in favor of foreign steamers.

Lowest offer for foreign steamers..... \$4.16  
Lowest offer for American sailing vessels..... 6.50

Excess of offer for American sailing vessels over offer for foreign steamers, \$2.34 per ton, or 56½ per cent, which on the entire quantity for which shipment was contemplated—i. e., 25,000 tons—is a difference of \$58,500 in favor of foreign steamers.

4. The rates given above for American vessels being considered excessive, no award was made; a second call for proposals was made by advertisement, dated December 1, supplemented by special notice to sixty-five shipowners, agents, or brokers. The specifications requested proposals for transportation in vessels of either American or foreign register, either sail or steam.

5. Proposals were received as follows:

Proposals for transporting 20,000 tons of coal from the east coast of the United States to the naval station, Cavite.

| Offered by—                            | Number of ships. | Number of tons. | Rate per ton. | Rate of transportation for 20,000 tons. |
|--|------------------|-----------------|---------------|---|
| <b>AMERICAN STEAMERS.</b>              |                  |                 |               |   |
| Atlantic Transport Co .....            | 1                | 9,000           | \$7.00        | \$140,000                               |
| Lewis Luckenbach .....                 | 2                | 9,000           | 7.50          | 150,000                                 |
| <b>AMERICAN SAILING VESSELS.</b>       |                  |                 |               |   |
| Arthur Sewall & Co. ....               | 2                | 8,000           | 6.50          | 130,000                                 |
| De Groot & Peck .....                  | 1                | 2,000           | 6.50          | 130,000                                 |
| <b>FOREIGN STEAMERS.</b>               |                  |                 |               |   |
| Lind & Co. ....                        |                  | 20,000          | 4.12          | 82,400                                  |
| McCall & Co. ....                      |                  | 20,000          | 4.23          | 84,600                                  |
| Howard, Houlder, Rowat & Co. ....      |                  | 10,000          | 4.75          | 95,000                                  |
|  |                  | 10,000          | a 4.75        | 95,000                                  |
| Atlantic Steamship Co. (Limited) ..... |                  | 20,000          | 4.92          | 98,400                                  |
| J. J. Hobbs .....                      |                  | 20,000          | 5.36          | 107,200                                 |
| American-Asiatic Steamship Co. ....    |                  | 20,000          | 5.50          | 110,000                                 |

\* Sail or steam, their option.

Lowest offer for foreign steamers..... \$4.12  
Lowest offer for American steamers..... 7.00

Excess of offer for American steamers over offer for foreign steamers, \$2.88 per ton, or 69.9 per cent, which on the entire quantity for which shipment was contemplated, i. e., 20,000 tons, is a difference of \$57,600 in favor of foreign steamers.

Lowest offer for foreign steamers..... \$4.12  
Lowest offer for American sailing vessels..... 6.50

Excess of offer for American sailing vessels over offer for foreign steamers, \$2.38 per ton, or 57.7 per cent, which on the entire quantity for which shipment was contemplated, i. e., 20,000 tons, is a difference of \$47,600 in favor of foreign steamers.

6. It will be noted that the same American steamers were offered and the same American sailing vessels, except that one American sailing vessel for 5,000 tons was not offered on the second call. It will also be noted that the lowest offer for foreign steamers on the first call, i. e., \$4.16 per ton, was reduced to \$4.12 on the second call.

7. On this second call all American vessels, sail or steam, that were offered at \$7 or less, or whose owners would make the \$7 rate, were chartered, resulting in choosing three sailing vessels of 9,754 tons total cargo and one steamer of 9,382 tons cargo, a total all told of 19,136 tons, at an average cost of \$6.745 per ton.

8. Pending the negotiations to secure transportation in American vessels, the stock of coal at Cavite became reduced to an alarming extent; at one time less than a month's supply was on hand, and the situation became so critical that it became imperative to consider the acceptance of vessels of any nationality.

9. On December 27, 1904, a third call was issued, by advertisement, for transportation of 30,000 tons, and again proposals were requested for vessels of either American or foreign register, sail or steam. In addition to the advertisement, supplemental notices were sent to sev-



enty-five owners, agents, or brokers. Proposals were received as follows:

*Proposals for transporting 30,000 tons of coal from the east coast of the United States to the naval station, Cavite.*

| Offered by—                                 | Number of ships. | Number of tons. | Rate per ton. | Rate of transportation for 30,000 tons. |
|---|------------------|-----------------|---------------|---|
| <b>AMERICAN STEAMERS.</b>                   |                  |                 |               |   |
| Atlantic Transport Co .....                 | 1                | 9,000           | \$7.00        | \$210,000                               |
| Do .....                                    | 1                | 9,000           | 7.50          | 225,000                                 |
| Lewis Luckenbach .....                      | 1 or 2           | { to 9,000 }    | 7.50          | 225,000                                 |
| <b>AMERICAN SAILING VESSELS.</b>            |                  |                 |               |   |
| Wm. F. Palmer .....                         |                  | { 9,000 }       | 8.00          | 240,000                                 |
| Phillip Ruprecht .....                      | 1                | { to 10,000 }   | 6.50          | 195,000                                 |
| F. P. Nichols, for I. F. Chapman & Co. .... | 1                | 5,000           | 6.50          | 195,000                                 |
| Arthur Sewall & Co. ....                    | 1                | 2,500           | 6.50          | 195,000                                 |
| <b>FOREIGN STEAMERS.</b>                    |                  |                 |               |   |
| Howard, Houlder, Rowat & Co. ....           |                  | 80,000          | 5.50          | 165,000                                 |
| Lind & Co. ....                             |                  | 10,000          | 4.88          | 146,400                                 |
| Do .....                                    |                  | 20,000          | 4.92          | 147,600                                 |
| McCall & Co. ....                           |                  | 30,000          | 4.87½         | 146,250                                 |

Lowest offer for foreign steamers ..... \$4.87½  
Lowest offer for American steamers ..... 7.00

Excess of offer for American steamers over offer for foreign steamers, \$2.12½ per ton, or 43.6 per cent, which on the entire quantity for which shipment was contemplated—i. e., 30,000 tons—is a difference of \$63,750 in favor of foreign steamers.

Excess of offer for American sailing vessels over offer for foreign steamers, \$1.025, or 33.3 per cent, which on the entire quantity for which shipment was contemplated—i. e., 30,000 tons—is a difference of \$48,750 in favor of foreign steamers.

10. All of the American vessels offered at this time, sail and steam, were accepted, except the sailing vessel offered by William F. Palmer at \$8, which rate was considered prohibitive. The steamers offered in this instance by Lewis Luckenbach were the same two that had twice previously been offered and each time declined at the same rate offered in this instance. However, the need of coal at Cavite was getting so pressing that these ships had to be accepted at \$7.50. It was at once apparent, however, that in order to get coal to Cavite faster than it was required for use, foreign bottoms would necessarily have to be resorted to, and by direction of the Secretary of the Navy negotiations were entered into with Messrs. McCall & Co., of Baltimore, and Lind & Co., of New York, the concerns which had submitted the lowest offers for foreign bottoms, which resulted in awarding each a contract to transport 30,000 tons in ships of foreign register, at \$4.87½ per ton. This rate, however, was 7½ cents higher than the previous low offer for foreign bottoms, and the efforts to get American ships, preventing the acceptance of the original low offer, resulted in an outlay of over \$50,000.

11. The accumulation of a stock of coal at Cavite having been assured, it was decided the part of wisdom to take advantage of any or all American vessels that might possibly be available in the near future, and on February 15, 1905, another advertisement was inserted, requesting proposals to transport 40,000 tons to Cavite in American vessels only. This advertisement was supplemented by special notices sent to 130 shipowners, agents, brokers, etc. Sixteen offers were received as follows:

| Offered by—                      | Number of ships. | Number of tons. | Rate per ton. | Rate of transportation for 40,000 tons. |
|----------------------------------|------------------|-----------------|---------------|---|
| <b>AMERICAN SAILING VESSELS.</b> |                  |                 |               |   |
| Arthur Sewall & Co. ....         | 2                | 9,000           | \$6.50        | \$260,000                               |
| Phillip Ruprecht .....           | 1                | 5,000           | 6.50          | 260,000                                 |
| F. P. Nichols .....              | 2                | 4,400           | 6.50          | 260,000                                 |
| <b>FOREIGN STEAMERS.</b>         |                  |                 |               |   |
| Sanderson & Son .....            | 1                | 5,800           | 4.40          | 176,000                                 |
| McCall & Co. ....                |                  | 40,000          | 4.35          | 174,000                                 |
| Lewis Luckenbach .....           |                  | 30,000          | 4.65          | 186,000                                 |
| Busk & Jevons .....              |                  | 40,000          | 4.65          | 186,000                                 |
| Winchester & Co. ....            |                  | 40,000          | 4.25          | 170,000                                 |
| Funch, Edye & Co. ....           |                  | 40,000          | 4.50          | 180,000                                 |
| Hopkins & Co. ....               |                  | 6,500           | 4.25          | 170,000                                 |
| J. W. Elwell & Co. ....          |                  | 6,000           | 4.75          | 190,000                                 |
| Bowring & Co. ....               |                  | 20,000          | 4.50          | 180,000                                 |
| Hogan & Son .....                |                  | 11,000          | 4.42½         | 177,000                                 |

Lowest offer for foreign steamers ..... \$4.25  
Lowest offer for American steamers, none offered.  
Lowest offer for foreign steamers ..... 4.25  
Lowest offer for American sailing vessels ..... 6.50

Excess of offer for American sailing vessels over offer for foreign steamers, \$2.25, or 53 per cent, which on the entire quantity for which shipment was contemplated, i. e., 40,000 tons, is a difference of \$90,000 in favor of foreign steamers.

12. It will be noted that although proposals for transportation in American bottoms only were distinctly requested, but 18,000 tons of American ships were offered, while foreign ships, approximating 240,000 tons, were offered. All offers of American ships were accepted.

13. The fifth general call for proposals was made July 8, 1905, not by advertisement, but by circular letter sent to 129 shipowners, agents, or brokers throughout the United States. The result of this call was as follows:

*Proposals for transporting coal from the east coast of the United States to the naval station, Cavite.*

| Offered by—                      | Number of ships. | Number of tons. | Rate per ton. |
|----------------------------------|------------------|-----------------|---------------|
| <b>AMERICAN STEAMERS.</b>        |                  |                 |               |
| Lewis Luckenbach .....           | 2                | 11,000          | \$7.50        |
| <b>AMERICAN SAILING VESSELS.</b> |                  |                 |               |
| D. B. Dearborn .....             | 2                | 7,800           | 6.50          |
| Arthur Sewall & Co. ....         | 2                | 10,000          | 6.50          |
| F. P. Nichols .....              | 1                | 3,000           | 6.00          |
| Do .....                         | 1                | 2,800           | 6.25          |
| <b>FOREIGN STEAMERS.</b>         |                  |                 |               |
| J. H. Winchester & Co. ....      | 1                | 7,500           | 4.00          |
| C. P. Sumner & Co. ....          | 2                | 11,400          | 4.75          |
| Tweedie Trading Co. ....         | 1                | { 6,000 }       | 6.00          |
| McCall & Co. ....                |                  | { 7,000 }       | 4.00          |
| J. W. Elwell & Co. ....          | 2                | 7,000           | 4.35          |

Lowest offer for foreign steamers ..... \$4.00  
Lowest offer for American steamers ..... 7.50

Excess of offer for American steamers over offer for foreign steamers, \$3.50 per ton, or 87.5 per cent, which, on the entire quantity for which shipment was contemplated, i. e., 25,000 tons, is a difference of \$87,500 in favor of foreign steamers.

Lowest offer for foreign steamers ..... \$4.00  
Lowest offer for American sailing vessels ..... 6.00

Excess of offer for American sailing vessels over offer for foreign steamers, \$2 per ton, or 50 per cent, which, on the entire quantity for which shipment was contemplated, i. e., 25,000 tons, is a difference of \$50,000 in favor of foreign steamers.

All bona fide offers for American sailing vessels were accepted. The offers for American steamers were not accepted, but \$7 per ton was offered, which was declined.

14. No other advertisement for proposals was issued until December 6, 1906, but, based on individual offers from owners or agents, a British steamer was chartered at \$4.40 per ton, one at \$4.25 per ton, and three at \$4 per ton, while ten American sailing vessels were chartered at prices ranging from \$5.50 to \$6.50 per ton. During the present fiscal year, July 1 to date, no shipments have been made to Cavite.

15. Some of the American vessels shown as being offered under the various requests for proposals heretofore detailed were offered while their acceptance on a previous offer was already under consideration. The number of American ships that have been offered to the Bureau were therefore actually less in number than the foregoing statement shows.

16. Since the act under consideration went into effect it is not believed that any American sailing vessel that has been offered for Cavite at \$6.50 or less has been rejected, unless they have been required by the Bureau for other destinations or unless the Bureau's funds were in such a state as to make rejection necessary, nor has any American steamer that has been offered at \$7.50 or less been rejected, except in the one instance of two steamers, total 9,000 tons, offered at \$7.50. The Bureau offered \$7 per ton, which offer was declined by the owner.

17. Despite the fact that practically all American tonnage offered has been accepted and that 104,400 tons of coal have been shipped in foreign bottoms since the operation of the act referred to, the stock of coal at Cavite, which on January 1, 1906, was approximately 104,000 tons, has been reduced to 57,800 tons on January 1, 1907.

18. On December 6, 1906, an advertisement was issued calling for proposals to transport 50,000 tons of coal to Cavite under the following items:

- Item A. Transportation in American steamers.
- Item A-1. Transportation in American sailing vessels.
- Item B. Transportation in foreign steamers.
- Item B-1. Transportation in foreign sailing vessels.
- Item C. American coal laid down.
- Item D. Cardiff coal laid down.

In addition to the advertisement, special notices were sent to 133 shipowners, agents, and brokers, and agents of coal suppliers, etc. Proposals were received as follows:

| Offered by—  | Number of ships. | Number of tons. | Rate per ton. | Remarks.                             |
|--|------------------|-----------------|---------------|--------------------------------------|
| <b>ITEM A.</b>                                     |                  |                 |               |                                      |
| <i>Transportation in American steamers.</i>        |                  |                 |               |                                      |
| No offers received.                                |                  |                 |               |                                      |
| <b>ITEM A-1.</b>                                   |                  |                 |               |                                      |
| <i>Transportation in American sailing vessels.</i> |                  |                 |               |                                      |
| Arthur Sewall & Co. ....                           | 1                | 5,000           | \$6.50        | Report Apr. 1, 1907                  |
| <b>ITEM B.</b>                                     |                  |                 |               |                                      |
| <i>Transportation in foreign steamers.</i>         |                  |                 |               |                                      |
| Frank Waterhouse & Co. ....                        |                  | 50,000          | 5.35          | Different conditions as to delivery. |
| Howard, Houlder, Rowat & Co. ....                  |                  | 50,000          | 4.98          |                                      |
| Samuel Holmes .....                                |                  | 50,000          | 5.60          |                                      |
| Funch, Edye & Co. ....                             |                  | 50,000          | 4.93          |                                      |
| McCall-Dinning Co. ....                            |                  | 50,000          | 5.08½         |                                      |
| Do .....   |                  | 50,000          | 4.78-5.08     |                                      |
| Do .....   |                  | 50,000          | 4.88-5.18     |                                      |
| Do .....   |                  | 50,000          | 5.00          |                                      |
| Lind & Co. ....                                    |                  | 50,000          | 4.70          |                                      |

| Offered by—                                       | Num-ber of ships. | Num-ber of tons. | Rate per ton.                            | Remarks. |
|---|-------------------|------------------|--|----------|
| ITEM B-1.   |                   |                  |  |          |
| <i>Transportation in foreign sailing vessels.</i> |                   |                  |  |          |
| None offered.                                     |                   |                  |  |          |
| ITEM C.   |                   |                  |  |          |
| <i>American coal delivered Cavite.</i>            |                   |                  |  |          |
| Charles Dunlop.....                               | 50,000            | \$8.88           | } Different condi-<br>tions of delivery. |          |
| Lind & Co.....                                    | 50,000            | 7.50             |  |          |
| Do .....  | 50,000            | 7.25             |  |          |
| ITEM D.   |                   |                  |  |          |
| <i>Cardiff coal delivered Cavite.</i>             |                   |                  |  |          |
| J. J. Moore & Co.....                             | 50,000            | 8.85             | } Different condi-<br>tions of delivery. |          |
| Castner, Curran & Bullitt.....                    | 50,000            | 8.75             |  |          |
| McCall-Dinning & Co.....                          | 20,000            | 8.71             |  |          |
| Do .....  | 20,000            | 8.81             |  |          |

It will be noted that in these proposals but one American vessel was offered, and that a sailing vessel of 5,000 tons capacity, at \$6.50, due for cargo about April 1, 1907. This ship will be considered later.

19. By authority of the Department a contract has been entered into for transporting 10,000 tons in foreign bottoms at \$4.70 per ton, coal to be supplied by the Bureau, and for 40,000 tons of American coal delivered at Cavite in foreign bottoms at \$7.25 per ton, including the cost of coal, transportation, insurance, etc.

20. The following statement shows the number of tons of coal shipped to the naval station, Cavite, from 1902 and including the fiscal year 1906, the nationality of bottoms used for its transportation, and average rate of transportation paid:

| Year.  | Nationality.   | Number. | Class.                | Number of tons. | Average rate. |
|--------|----------------|---------|-----------------------|-----------------|---------------|
| 1902.. | Foreign .....  | 21      | Steamers .....        | 86,145.5        | \$5.86        |
| 1903.. | do .....       | 10      | do .....              | 41,985.5        | 4.77          |
| 1904.. | do .....       | 12      | do .....              | 57,338.5        | 5.05          |
| 1905.. | do .....       | 17      | do .....              | 85,837.5        | 4.88          |
|        | American ..... | 5       | do .....              | 39,114.0        | 7.30          |
|        | do .....       | 5       | Sailing vessels ..... | 19,396.0        | 6.50          |
| 1906.. | Foreign .....  | 3       | Steamers .....        | 18,578.0        | 4.00          |
|        | American ..... | 8       | Sailing vessels ..... | 30,989.0        | 6.04          |

21. In addition to considering the question of American bottoms for shipping coal to Manila, the Bureau is required to consider American vessels only in the transportation of American coal to Honolulu, to San Francisco, and to other outlying United States Government possessions.

22. Failing to secure American bottoms for such shipments, it became necessary to adopt the only other alternative, of importing coals of foreign origin, principally coal from Wales, in foreign ships. The Government is therefore practically at the combined mercy of the British coal trade and owners of foreign ships, and must pay whatever price may be demanded for it, however high it may be considered. Efforts have been made for more than a week to secure one cargo of Welsh coal for delivery at the navy-yard, Mare Island. The lowest offer made, and which must be accepted, provided the Bureau is successful in its efforts to do so, is \$11 per ton for a second or third grade coal. The last price paid was \$6.80 per ton delivered for coal of the first quality.

23. During the fiscal year 1903 approximately 30,000 tons of Welsh coal was purchased for delivery to the navy-yard, Mare Island. For a part of this \$7.08 was paid and for the remainder \$7.13. In 1904 and 1905 no shipments of Cardiff coal were made, but small quantities of coal mined on the Pacific coast were purchased as required, principally for yard use. This is not good coal for use on naval vessels, and is expensive to use at the prices paid. In 1906 approximately 40,000 tons of Welsh coal were purchased, delivered at the navy-yard, Mare Island, for a part of which \$6.80 was paid, for the remainder \$7.14 was paid.

24. During the current fiscal year, owing to a preference of American vessels for San Francisco as a point of destination, four American sailing vessels have been chartered to carry coal to Mare Island, one at \$5.75 per ton, two at \$6 per ton, and one at \$6.50, and one American steamer at \$7.50 per ton. Efforts to secure other American steamers at this rate have failed, owing to their inability to obtain return cargoes. These rates are for transportation only, to which must be added the cost of the coal, at \$2.75 per ton.

25. There have been no shipments of American coal to Honolulu during the present fiscal year. During the fiscal year 1906 10,000 tons of Welsh coal were purchased, delivered at this place, at \$7.40 for coal, freight, and other expenses. There was also shipped during this fiscal year two cargoes in American vessels, and small quantities of from 900 to 1,400 tons were left there by American ships, having carried cargoes to Cavite and to which a concession was made of permitting a part of the cargo to be carried to Honolulu as ballast, depositing it at that place. During the fiscal year 1905 no shipments were made, and during the fiscal year 1904 8,000 tons of Welsh coal was purchased at \$7.95 delivered, including cost of coal, freight, and other charges.

Foreign coal and foreign ships, however, are indispensable to this station if American coal and American ships are diverted in other directions. In addition coal must be sent to our coaling depots at Pichilincue Bay, Mexico; Yokohama, Japan; Sitka, Alaska; Tutuila, Samoa; Guam; Puget Sound, and to our depots at California City Point and San Diego, now in course of construction or in contemplation. These places are practically dependent on Welsh coal, or coal mined on the Pacific coast, which can not always be had, and, as

stated before, is not suitable for use on war vessels, principally on account of its comparatively low steaming value and its smoke-producing qualities.

26. The American sailing vessels that have been chartered to carry coal to Manila number twelve, and the American steamers five. The sailing vessels, as a rule, are outbound for Honolulu and are what may be termed the sugar fleet. In most cases, in addition to the rate paid, the ship must be allowed to retain about one-fourth of the cargo carried to Manila to ballast the ship to Honolulu. This results in a practical saving of about 50 cents per ton on the cargo capacity of the ship, and must be added to the rate actually paid for transportation in calculating the value of the business to the ship. Furthermore, shipowners now require that not only ballast be supplied them to final destination, but require that ballast be supplied them from point of last discharge to the point the coal is to be loaded, should the latter point be distant from the former.

27. Of the American steamers but five have been chartered since the law in question went into effect, and these five represent but two owners, two ships being owned by one concern, Lewis Luckenbach, and three by another, the Atlantic Transport Line. No charter of an American steamer may be expected at less than \$7.50 per ton, the rate paid for the Luckenbach ships. Two of the other three were secured at \$7, but the experience gained by their owners was such as to cause them to demand \$7.50 for the third, which was paid; and though recently they have been seeking the business, it must be on their own terms, practically. They want no more charters at \$7.50. In 1905 they offered one of their ships at \$8 per ton, agreeing to refund to the Government 50 cents per ton provided they were "able to secure for the homeward voyage a cargo the freight upon which would pay all expenses from the time the ship finishes discharging at Manila until free of her homeward cargo at the United States port, plus 5 per cent on the value of the ship during this period." This company admits its willingness and desire to keep its four large freighters in the coal-carrying business, but by the foregoing indicate their inability to insure return freights, thus necessitating the Government to pay on the outward trip the operating expenses of the in and out voyage and a fair margin of profit.

28. Again in 1905, after demonstrating their inability to use the ships in the Manila coal-carrying trade at a rate fair to the Government which would net them a fair margin of profit on the business, they made a proposition to charter two of their fleet to the Government by the year at a stipulated rate per ton per month on the dead-weight capacity of the ships.

29. Of the sailing vessels chartered, i. e., twelve, six were owned by one concern, two by another concern, the remaining four being owned by separate concerns, making six owners all told.

30. However desirable it may be to charter American vessels to carry Government coal, it has been demonstrated that the number of such vessels available for the business, principally sailing vessels, are totally inadequate for the service required, and all other considerations aside, the long voyage through the Tropics, endangering the vessel and the crew, and the possible loss of the cargo, all due to the liability of fire from spontaneous combustion in the coal, makes sailing vessels decidedly objectionable. A sailing vessel requires from one hundred and seven to one hundred and seventy-two days for the voyage from the east coast of the United States to Manila, or from three and one-half to five and one-half months, the average being about five months.

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. MANN. This is a limitation upon the appropriation.

Mr. FOSS. For this year.

Mr. MANN. The law provides that they must follow the provisions of the statute. This bill limits the appropriation so they can not follow the provisions of the statute. If this remains in the form in which it is proposed, it simply makes your entire appropriation ineffective.

Mr. WILLIAM W. KITCHIN. If the gentleman from Illinois will permit me, I will say that this would have been subject to a point of order, according to the rulings, as I recollect, of the Chair last year, with which, however, I did not agree.

Mr. MANN. This is a mere limitation now.

Mr. WILLIAM W. KITCHIN. This will be a limitation upon it, and they can expend this appropriation in accordance with the limitation.

Mr. MANN. As I understood from the reading of the amendment, it said that no part of the appropriation should be used unless so and so is done, and that means that unless so and so is done contrary to the statutes of the United States.

Mr. WILLIAM W. KITCHIN. But I think this provision in this appropriation will supersede the general law on the subject as to this appropriation. As I said, it would have been subject to a point of order under the former ruling, but I take it that no Secretary of the Navy could be charged with violating the law when in expending a fund he followed the provisions attaching to the specific appropriation.

Mr. MANN. I did not think the gentleman's amendment was subject to the point of order, whatever the ruling on it may have been. It is a limitation in form expressly, and if it had been put in a positive form undoubtedly the point of order would have been made upon it by some one, or at least reserved upon it. It is expressly in the form of a limitation, and if it be a mere limitation the result is simply to make the total appropriation unavailable.

Mr. WILLIAM W. KITCHIN. I do not agree with the gentleman that the appropriation will be unavailable. But, in furtherance of the statement of the gentleman from Illinois [Mr. Foss], chairman of the committee, I desire to say in this connection that on December 6, 1906, the Department advertised for



proposals to transport 50,000 tons of coal to Cavite under the following items:

Item A. Transportation in American steamers.

Then it gives several others, and the statement is made that, in addition to the advertisement, special notices were sent to 133 shipowners, agents, brokers, agents of coal supplies, and so forth, and not a single proposition was received from an American steamer to transport any part of that coal, and only one offer from a sailing vessel, and that for only 5,000 tons.

Mr. BUTLER of Pennsylvania. Before the gentleman sits down I want to ask him a question.

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. BUTLER of Pennsylvania. If that amendment prevails, this Government may buy coal from any country it sees fit?

Mr. WILLIAM W. KITCHIN. In the Philippines. It is limited to the Philippines.

Mr. BUTLER of Pennsylvania. But this Department may buy coal of any country it pleases and is not required to buy coal in this country. Is that the effect of the amendment?

Mr. WILLIAM W. KITCHIN. That is the effect of the amendment.

Mr. BUTLER of Pennsylvania. You could not convince me to vote for that if you talked four days.

Mr. WILLIAM W. KITCHIN. But in response to the advertisement that I called attention to there are bidders who offered to deliver American coal and to sell American coal there for \$1 a ton less than they can get any foreign coal there.

Mr. HULL. Then, what is the object of this?

Mr. WILLIAM W. KITCHIN. It permits them to buy where they please.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM W. KITCHIN. I should like to have about three minutes more on that point.

By unanimous consent the time of Mr. WILLIAM W. KITCHIN was extended three minutes.

Mr. WILLIAM W. KITCHIN. The object of that provision is to give power to the Navy Department to buy its coal there as cheap as it can; but, as a matter of fact, according to this report we can buy American coal there for a dollar a ton less than we can buy any foreign coal. According to these offers for American coal delivered at Cavite, the offer of one bidder for 50,000 tons was \$8.80, and of one bidder 50,000 tons at \$7.50 under certain conditions and \$7.25 under other conditions. Cardiff coal delivered at Cavite—that is foreign coal, as I understand—the cheapest price of that was for 20,000 tons at \$8.71 and 20,000 tons at \$8.81, which is more than a dollar a ton higher than the lowest offer for 50,000 tons of American coal. I take it that this Department has given us full information, after full advertisement, not only through the press, but by the various circulars and letters sent out to the coal dealers and agents.

Mr. LOUDENSLAGER. Mr. Chairman, in view of the statements of the chairman of the committee, I do not have any desire to strenuously oppose this amendment, and especially in view of the recommendation of the Chief of the Bureau. I mean if it conforms to the wishes of the committee, but I do desire to correct what I deem is some error in the statement of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] regarding the effect of this law which authorizes the Secretary of the Navy to transport this coal in American bottoms where the prices are not exorbitant or extravagant.

If the gentleman from North Carolina had looked over the reports of the Chief of the Bureau for a period of years before the passage of this law, when all of it was carried in foreign bottoms, he would have observed what it costs this Government to carry its coal from the Atlantic coast to the Pacific possessions. From the year 1899 down to the year 1906 the lowest price for the transportation of coal was in the year 1906, save the two years of 1903 and 1904, before the passage of the law which the gentleman from North Carolina now declaims against. So that the effect of this law, according to the statement of the Chief of that Bureau, must have been beneficial in stating to these owners of foreign bottoms that no combination as to price would be accepted, but that those who owned American vessels might bid lower, and hence their prices were reduced from that which formerly obtained. The gentleman also made a statement that the price charged by the owners of American vessels was practically \$7.50 a ton. The Chief of the Bureau says it was \$6.04 a ton.

Mr. WILLIAM W. KITCHIN. I have these tables here, and on page 460, which is a part of Document No. 68 of our committee, it says that no charter of an American steamer may be expected at less than \$7.50 a ton, the rate paid for the Luckenbach ships, and he says that they want no more at \$7.50. Upon that same pamphlet, page 459, it says that in 1903 we carried

41,000 tons of coal at \$4.77 a ton. That was in foreign bottoms, and in 1904—

Mr. LOUDENSLAGER. Oh, I am familiar with all those figures. I am not answering the argument of the Chief of the Bureau or the argument of the gentleman from North Carolina save by the facts as reported by the Department, which certainly can not be contradicted.

Mr. WILLIAM W. KITCHIN. The statement that I read from is dated February 5, 1907, just a week ago to-day.

Mr. FITZGERALD. The gentleman will remember that the Secretary of the Navy, in his annual report last year, stated that the only effect of that law was to create embarrassment, annoyance, and expense to the Department.

Mr. LOUDENSLAGER. I do not know that those were the exact words, but I remember something in that line.

Mr. FITZGERALD. I think his words were even more emphatic.

Mr. LOUDENSLAGER. I want to state for the information of the committee that when the Department carried its coal in foreign bottoms it paid \$6.46 a ton on an average, but last year it was only \$6.04, or 42 cents difference.

Mr. WILLIAM W. KITCHIN. That was in sailing vessels.

Mr. HULL. Mr. Chairman, ordinarily I would hesitate to break into a discussion on an appropriation bill in the preparation of which I have had no responsibility, but it seems to me that this amendment is a very radical departure from the entire history of this country, and it is a proposition to break down one of the restrictions and safeguards for the American people trading with themselves or those people dependent upon them for their government. It seems to me it is a mistake in an amendment of this character to adopt it in the Committee of the Whole in this way without consideration. The Committee on Naval Affairs evidently did not favor this matter or it would have reported it. It was before the committee evidently or the hearings the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] has quoted could not be so full as he claims them to be.

Mr. WILLIAM W. KITCHIN. Will the gentleman permit an interruption?

Mr. HULL. Certainly.

Mr. WILLIAM W. KITCHIN. This main document that we have on this subject was made after the chairman of the committee had reported this bill to the House, in which a review of the entire situation was had, showing the prices we have paid, showing the situation we are now in—that we are unable to get sufficient American steamers—

Mr. HULL. Well, it was not considered by the committee. My understanding of the present law is that the coal has to be carried in American bottoms if it can be carried for the same price as in foreign bottoms.

Mr. LOUDENSLAGER. If it is not exorbitant.

Mr. HULL. Yes. We have in our coastwise trade a provision of law that it has to be carried in American bottoms. No foreign trade can compete with us in our coastwise trade. The Philippines, in one sense, is our coastwise trade, and, in my judgment, should be made absolutely under the same provisions as the rest of this country. We pay all the expenses of their administration; we are responsible for good government there just as much as we are on the mainland of this continent, and, in my judgment, we should preserve to our own people all of the advantages of trading there that we possibly can preserve to them. There is now before this Congress the proposition to aid our marine by subsidies in the nature of additional compensation in carrying the mails, and yet with that proposition before us we come in here and propose to strike down one safeguard and open to the commerce of the world trade with the Philippine Islands. I am opposed to the proposition. I do not believe it is right, and I hope it will not be adopted, even if the Committee on Naval Affairs should be for it.

Mr. COOPER of Wisconsin. Will the gentleman permit an inquiry?

Mr. HULL. Yes.

Mr. COOPER of Wisconsin. I understand the gentleman to say that the putting of these navigation laws against the Philippines practically made them a part of our coast line.

Mr. HULL. I say they ought to be.

Mr. COOPER of Wisconsin. It makes them that in effect, does it not, if it limits the carrying to our own ships?

Mr. HULL. Certainly.

Mr. COOPER of Wisconsin. Does the gentleman think we ought to put the coastwise navigation laws against any island and make it a part of our coast line and at the same time keep a high tariff against its products?

Mr. HULL. No; I do not. There ought not to be any tariff

between any part of this country, whether you call it the United States proper or one of its dependencies. I am in favor of wherever the flag goes having free trade in all parts of the United States. I hope this amendment will not be adopted.

Mr. BUTLER of Pennsylvania. Does the gentleman understand that if this amendment is adopted this Government has permission to buy its coal from any nation?

Mr. HULL. I understand that, and I am opposed to the whole proposition.

Mr. FOSS. Mr. Chairman, this provision applies only to the appropriation of this year, and we are in a peculiar situation. So far as the law is concerned with reference to American bottoms, that law was passed only two years ago. Up to that time we could buy our coal wherever we saw fit, whether it was shipped in foreign bottoms or any other kind of bottoms, but the law was passed two years ago, and it has had this effect, and we are in this situation to-day; and so far as I am concerned I shall support the gentleman from North Carolina. I want to say to the gentleman, my colleague on the committee, that I think I am as intensely an American as he is. I would like to see everything which is consumed by the sailors on board our ships American. I would like to see the coal American; I would like to see everything American; but I want to say to him that notwithstanding that this law has been in effect it does not preclude our country from buying foreign coal wherever it sees fit to-day, even for our home stations, because here during the last year, 1906, approximately 40,000 tons of Welsh coal were purchased and delivered at the navy-yard at Mare Island. We are buying foreign coal everywhere, wherever we go.

Mr. BUTLER of Pennsylvania. I suggest to my colleague on the committee it is under stress they buy that coal, because they can not get our own.

Mr. FOSS. Of course they buy American coal when they can.

Mr. CRUMPACKER. Allow me to make the suggestion that we enacted a law several years ago extending the coastwise laws to the Philippine Archipelago, and we could not get American boats enough to accommodate the trade and we were compelled to postpone the operation of that law until two years from next April, because there were not American boats enough to take care of the trade. Now, if we enforce the present law and require all coal to be carried in American bottoms what will be the outcome? We could not get American boats enough to provide for the commerce of the islands.

Mr. HULL. Do you understand coal is now carried in American bottoms?

Mr. CRUMPACKER. Not under this provision.

Mr. HULL. Independent of this provision?

Mr. CRUMPACKER. The law provides that coal must be carried in American boats unless the rates are "extortionate." That word "extortionate"—

Mr. HULL. Unreasonable.

Mr. CRUMPACKER. That is an elastic word, and it is difficult to apply and fix a standard.

Mr. HUMPHREY of Washington. May I ask the gentleman a question?

Mr. CRUMPACKER. You may.

Mr. HUMPHREY of Washington. You were speaking about the law extending the coastwise laws to the Philippines for two years on account of the shortage of American ships. When you had that bill did you give any hearings to anybody? Was not that bill brought in here and put through the House in about forty-eight hours, without opportunity for any of the shipping interests of this country to be heard?

Mr. CRUMPACKER. I do not know about that. I know the Committee on the Merchant Marine of the House had before it a bill containing identically the same provisions, and the War Department and the Philippine Commission insisted—repeatedly insisted—upon it, and stated that if the law went into force the result would be disastrous if not destructive to commerce between the mainland of this country and the Philippine Archipelago.

Mr. HUMPHREY of Washington. The gentleman dodges the question. I asked if it is not the fact that the law was introduced here, brought in from the committee, and passed through without a hearing inside of forty-eight hours.

Mr. CRUMPACKER. There was no formal hearing before the committee, because the matter had been thoroughly investigated and recommendations came to us from the War Department and the Philippine Commission and—

Mr. HUMPHREY of Washington. I take issue with the gentleman when he says that there are no American ships—

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALDO. Mr. Chairman, it seems to me this is a very remarkable proposition for the chairman of this committee to

agree to. It is the first time that I have known, certainly since I have been here, of the proposal of a measure allowing the world to compete with American ships in carrying coal for our own Navy. In the first place, as already indicated by the gentleman from Washington, it is an injustice to the American shipping which we are trying to aid at this very moment. A bill for that purpose is just now brought here before the House—a bill which I understand meets the approval of a majority of this side of the House, and certainly ought, although it does not go far enough; yet at this moment we propose to allow the shipping of the world to come in here and compete against American bottoms—

Mr. HULL. On Government work.

Mr. WALDO. Yes; on Government work. Such a proposition seems to me to be remarkable. Aside from that question, it is a very foolish thing to put our Navy in the hands of foreign shipowners, to leave thus to foreign nations the power to say whether we shall have coal enough to run our own battle ships. Foreign nations will have the power then to say whether we shall have coal enough, what kind of coal we shall have, or whether we shall coal our Navy at all. It seems to me a most remarkable thing for us to think for one moment of allowing the shipping of the world to compete for the furnishing of supplies of coal necessary before our Navy can operate at all. It would be very much better for this Government to build colliers to carry coal to our Navy in the Philippines rather than to depend upon foreign ships, no matter how cheaply they can be hired. If the gentleman is opposed to allowing such merchant ships as we have do the Government business, then certainly he ought to favor an appropriation to build colliers so that the Government can itself carry the coal necessary for the Navy.

I suppose if we were to have a war with England those favoring this amendment would permit English ships to bid for the carrying of coal to our war ships and to follow our ships from place to place with necessary coal, because it would be so much cheaper. That will be the next step, and it will certainly be a natural step if we allow the world to bid for the carrying of coal to our Navy in the Philippines. If the policy of the proposed amendment is to be followed, in a little while we will not have any merchant ships at all to carry coal there or anywhere, and the result will be that we shall have to depend on France, or England, or Germany to furnish colliers to follow our war ships and coal them, in time of war as well as in time of peace, else we can not get any coal at all. For the protection of the last remnant of American shipping and the saving of our Navy itself from future disaster, I hope if there is any patriotic American here he will vote against any such amendment. [Applause.]

Mr. FITZGERALD. Mr. Chairman, in the last session of Congress I attempted to have an amendment adopted that would limit the price paid to the owners of American ships for carrying coal. Some of the owners of the ships that go from ports on the Atlantic coast live in the district represented by my colleague [Mr. WALDO] and some in the district represented by myself. My action was based, however, upon the recommendation made by the Secretary of the Navy in his report for 1905, in which he said that the result of the law requiring supplies to be carried in American vessels "was only to cause trouble and expense to the Government, with no offsetting advantage." He also stated that the law did not promote the building of any American ship or the training of any American sailor. The only good it did was to benefit the owners of the ships, and it had largely increased the cost of transporting coal.

I am opposed to the continuance of any law that will permit an American citizen to hold the Government by the throat and extort money from it in the transporting of supplies required by the Government in distant places. The excuse that has been given for these exorbitant prices has been that the American shipowners could not obtain cargoes back at remunerative prices.

At the request of the gentleman from Michigan [Mr. LOUD], a member of the Committee on Naval Affairs, several weeks ago I wired one of the largest freight brokers in the city of New York, and he sent me a message saying the rates for the last steamer that arrived in New York from Manila were, for hemp, 45s. a ton, and for sugar, 27s. 6d. a ton of 2,240 pounds. The prices on returned cargoes are largely in excess of the prices paid on outgoing cargoes. Under the existing law the President has the right, if the bids of the owners of American ships are excessive or unreasonable, to permit the carrying of coal in foreign bottoms; but, as I pointed out at the last session, the President is charged with a multitude of duties, and it is impossible for him to give his attention to these matters. We should permit the Department, when it finds itself confronted



by a few men controlling the few American ships putting up unreasonably and unfairly the price of transporting coal, to ship the coal in other ships at a reasonable price.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MADDEN. I understand the gentleman to say that the President under existing law has the power to regulate the method of shipment of coal either in American or foreign bottoms, but that his duties were so numerous he might not have his attention called to the character of his work. If that be true, is it not possible for the Secretary of the Navy, or somebody acting for the Secretary of the Navy, to call the attention of the President to the discrimination which was being practiced against the Government for American shipping?

Mr. FITZGERALD. The Secretary of the Navy did call the President's attention to it. His request that the law be repealed was contained in his annual report to the President for the year 1905, and he urged that the law be repealed because it resulted only in expense and trouble to the Government. Since the President is too busy to take up a trifling matter like that, particularly as it arises upon each shipment, but which involves in a year an additional expense of three hundred to four hundred thousand dollars to the Government, it is very easy for this House in its deliberations to give a little attention to the matter and to save that money to the Government. The Secretary of the Navy pointed out—and I will say this for the benefit of the gentleman from Ohio [Mr. GROSVENOR]—that, regardless of his opinion as to the advisability of making appropriations for subsidies for ships, this law should be repealed, because it did not help to build ships or to train American sailors.

Mr. OLMSTED. Mr. Chairman, I move to amend the amendment by striking out the last word.

Mr. Chairman, I am opposed to this proposition upon the general principles so well stated by the gentleman from Iowa [Mr. HULL] and the gentleman from New York [Mr. WALDO]. I am opposed to it also because it seems from the figures submitted by the gentleman from New Jersey [Mr. LOUDENSLAGER] that the present law instead of increasing the price of coal or the price of transportation has actually reduced the price of transportation, so that coal is now secured in the Philippines for Government use at lower prices than before.

I am opposed to it for the further reason that this important proposition has not been submitted to or considered by the Naval Committee, and therefore we have not the benefit of a report, either unanimous or of the majority of that committee. The committee itself seem to be divided upon it here. I am opposed to it, too, for the further reason that there does not seem to have arisen any emergency requiring this deviation from our present principle of American bottoms for American transportation of American coal for the use of the American Navy. It is very singular that if there is such an emergency it did not arise until after this naval bill was reported to this House.

I am opposed to it for the further reason that the amendment in the present form would nullify the appropriation so far as the supply of coal to the Philippines is concerned. We have now a law providing how coal shall be purchased, by whom it shall be purchased, and how it shall be shipped to the Philippines. This proposed amendment, instead of repealing that law and enacting a new one, says that the Secretary of the Navy shall not proceed to use any portion of this appropriation provided in the bill unless he violates that law. It makes it impossible for the Secretary of the Navy to expend money for the purchase of coal so far as the Philippine Islands are concerned. An important measure like this ought not to be sprung upon us, without a committee report, at a time when, under the five-minute rule, we have no opportunity for general debate.

In the event of war the United States Navy would be in a bad way if it had to depend for coal upon foreign contracts for foreign coal to be transported in foreign bottoms.

Mr. HUMPHREY of Washington. Mr. Chairman, I just want one moment to reply further to the statement that was made by the gentleman from Indiana [Mr. CRUMPACKER] in regard to the bill extending the time of the taking effect of the coastwise laws and to say a few words as to why American ships are unable to carry freight to the Philippines. The law of which the gentleman spoke, extending the time of the coastwise law, according to my recollection, was introduced into this House, was referred to his committee, and called up here within forty-eight hours. I know that when I went to inquire of the gentleman about the bill it was ready to be heard, upon that very morning.

Now, the difficulty about shipping over to Manila has been brought about by that very measure of extension of the time of the coastwise laws, because American ships can not get freight coming in this direction, and the reason of it is that there is a combination over in Manila between the British merchants and foreign ships, and the moment an American vessel goes into the harbor of Manila they reduce the rate sufficient to make it unprofitable for an American vessel to go there.

What has been the result? The result of it has been that American vessels have stopped going to Manila. The two large Hill vessels, carrying 20,000 tons each, no longer go to Manila for that very reason; and within the last thirty days three of the Boston Steamship Company's vessels have stopped going to Manila, and now we have only two American vessels running regularly to the Philippines. And now you propose to take away even the two that are left and depend upon foreign vessels to carry not only coal but our soldiers and ammunition. If the time for the going into effect of the coastwise law had not been extended for two years, American vessels would be carrying this freight, and there would be to-day eight instead of two American vessels going to the Philippines. It seems to me that it is a very unusual proposition that this Government should not only carry our coal to our Navy in foreign vessels, but buy that coal for our Navy from the foreigner when we can get it cheaper than we can get it at home. For one I am not willing to subscribe to that proposition. And I am opposed to this legislation, because you are only going one step further toward destroying the only American ships we have left.

Mr. WILLIAM W. KITCHIN. Is the gentleman from Washington of the impression that these ships which are in the regular lines carry coal?

Mr. HUMPHREY of Washington. No, sir; no coal goes from the Pacific coast to the Philippines.

Mr. WILLIAM W. KITCHIN. They start on the Chesapeake and go there. And that is what you adopt if you adopt this amendment.

Mr. HUMPHREY of Washington. I am not talking about the Pacific coast, because no coal goes from there. I am speaking from the interest I take in the subject generally. I am interested in shipping and in the merchant marine, and I am interested in the American people having their own supplies carried in American ships. I have no interest in the subject in so far as my own district is concerned.

Mr. GROSVENOR. Mr. Chairman, I would like to have about five minutes to speak on this subject. I did not intend to discuss the main questions that are involved in the proposition of this amendment at this time. The gentleman complained that the Government of the United States in the matter of its transportation has violated and practically nullified the movement which would undoubtedly have resulted in the complete competition between our own coastwise ships and those of our competitors in foreign bottoms. It is a poor time now to do this. Let us suppose a case now. Suppose that this threatened trouble with the oriental countries should come. What are we to do with our Navy and without naval supplies? We have not men enough to man two-thirds of our Navy to-day; and we propose to turn over the furnishing of the coal to our Navy to contractors carrying foreign flags. England carries a flag which is in treaty alliance with Japan. English ships would undoubtedly be the successful competitors for the carrying of this coal.

We are expending a vast sum of money to develop our own coal production in the Philippine Islands; but pending that we are seeking to destroy the possibility of the growth of American competition. How can you expect American competition if you keep giggling backward and forward your statutes in regard to the coastwise trade? There was being developed rapidly successful competition, and undoubtedly it would have been in the field to-day if it had not been for the change in the statute of our own country which was enacted by the last Congress. Now, the difference, as shown by the gentleman from New Jersey [Mr. LOUDENSLAGER], between the cost last year and the cost under the former condition of things is a matter of so small importance that it seems to me that while the President has full power to prevent extortion against the Treasury of the United States by high prices, while he has a complete remedy in his own hands, while these developments are going on, it is unwise for us to drive out of this business by an enactment of Congress any American ships that might see fit to carry this trade in competition with foreign bottoms. I shall have a good deal more to say about some features of this matter. We have now no ships running to Manila. We have not a single over-sea ship under a system of regular sailing that carries her to the Philippine Islands at stated times. So we must depend upon our coastwise ships being diverted from their own trade and going

into that trade, and with the power in the hands of the President to prevent extortion I can see no reason why this blow should here be struck.

Mr. LACEY. Mr. Chairman, I desire to ask in this connection a question of the chairman of the committee. A year or two ago we passed a bill appropriating \$50,000 (I think that was the amount) to buy out a coal company that had some rights in the Philippine Islands; and we were assured that that would furnish us very soon a supply of coal and solve this coal question. It seems to me this would be a very proper time for the chairman of the committee to tell us what has come of that venture, how much it has cost, what progress has been made, and what success, if any, has been attained.

Mr. WILLIAM W. KITCHIN. And in reply to the gentleman from Iowa I can read what Admiral Cowles said about that:

Mr. KITCHIN. There has been a good deal said about the development of some coal fields on a near-by island?

Admiral COWLES. Yes, sir; they have not any coal out there yet. They talk about it a good deal, and they wanted us to use it. We tried some of it and found it had too much sulphur in it, and that the carbon was low, and it was not coal that we could use without injuring the boilers. There is coal in Borneo, in the Philippines, and in China. There is also coal in Japan, but it is not good, except the Yakalido coal. The Japanese use the latter themselves, and will not let you have it. It is said that there is good coal in Alaska, and I wish they would mine it, but they have not yet got communication down to Resurrection Bay to get it to market. Coal is much needed on the Pacific coast just now, and dealers would gladly buy all the Government has stored out there at rates much in excess of what we paid for it. They recently offered us \$10 a ton, and it cost us about \$7 to get there.

Mr. LACEY. I understand that, but what I should like to know is what has become of this coal speculation that we went into?

Mr. WILLIAM W. KITCHIN. That is not under the jurisdiction of the Naval Committee.

Mr. CRUMPACKER. I think I can give the gentleman some information on that subject. We appropriated \$50,000 to buy out a couple of coal leases on the island of Batan. We made no appropriation authorizing the Government to develop the coal deposits at all. The Committee on Insular Affairs reported a bill to the House, giving the Secretary of War authority to lease the mines under certain conditions, but the House refused to pass the bill. We own the coal mines, but there is no appropriation authorizing their development, and no authority conferred upon the Secretary of War to do anything in connection with the business at all.

Mr. LACEY. Then, if I understand it, the result of it has been to relieve those men over there from a bad speculation in the coal business, paying them for the investment they had made, and that was the end of it.

Mr. CRUMPACKER. The gentleman's understanding is a little bit fanciful. It does not necessarily follow because we bought the coal mines that the investment is a poor one. It was developed in the course of that investigation that the coal in the Batan deposits was not suitable to use in war vessels, but it was proper to be used in transports and for mechanical purposes in the islands, and having the coal mines, if we had the money to develop them, it is believed that we would save several hundred thousand dollars a year out of the investment.

But that is speculation. There has not been a dollar appropriated to develop the mines, and authority was refused the Secretary of War to make any lease of them.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in further reply, I will say that my understanding is that of the valuable coal, English and American coal constitute the best coal we can get, and American coal, as I understand, has no superior. The great trouble with the Navy Department is that when they advertised for 50,000 tons they could get no single American steamer and only one American vessel, and that proposed to carry 5,000 tons, or about one-tenth of what was required.

Mr. FOSS. Mr. Chairman, I want to say one word. Gentlemen have taken this as a rather serious matter. I think more serious than the matter deserves, because this law was passed two years ago. Prior to that time we bought our coal and had a perfectly free hand in buying it in the Philippines. Last year the Secretary of the Navy came before the committee and stated that the law worked detrimentally to the Government and he wanted it repealed. We did not bring in any provision last year, but now comes the Chief of the Bureau, who sends up a statement of the condition after the bill was reported to the House, and the gentleman from North Carolina has recommended the amendment which limits simply the appropriation of this year and gives the Secretary of the Navy a free hand in buying coal in the Philippines.

Now, the Chief of the Bureau in the Department states that the law has been in effect two years and a half, and it appears

without question that it has been demonstrated that there are not sufficient American ships to carry out the intent of the law, and the operation of the law is detrimental to the interests of the Government and particularly to the Navy Department.

Foreign ships have been carrying the most of the coal since the law has been enacted because we could not get American ships, and therefore it seems to me that we ought this year, in view of the fact that it is a condition and not a theory that confronts us, to adopt this provision.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. WILLIAM W. KITCHIN) there were—ayes 34, noes 51.

So the amendment was rejected.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24925, the naval appropriation bill, and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 224. Joint resolution directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases;

H. R. 15242. An act to confirm titles to certain lands in the State of Louisiana;

H. R. 22291. An act to authorize the reappointment of Harry McL. P. Huse as an officer of the line in the Navy;

H. R. 20169. An act for the relief of Margaret Neutze, of Leon Springs, Tex.;

H. R. 8365. An act for the relief of C. A. Berry;

H. R. 25043. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River in the State of Georgia;

H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication.

H. R. 18007. An act to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy;

H. R. 20168. An act for the relief of F. Kraut, of Leon Springs, Tex.;

H. R. 24473. An act to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation, in North Dakota;

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River, at or near Bennetts Ferry, in said county and State; and

H. R. 20060. An act granting an increase of pension to Anna E. Hughes.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8362. An act to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah—to the Committee on Military Affairs.

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.—to the Committee on Interstate and Foreign Commerce.

#### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 23551) making appropriations for the support of the Army for the fiscal year ending June 30, 1908, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. HULL, Mr. PARKER, and Mr. HAY.



## CIRCUIT AND DISTRICT COURTS IN WASHINGTON.

The SPEAKER laid before the House the bill (H. R. 21383) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham, with Senate amendments.

The Senate amendments were read.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RUSSELL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 7684) to provide and maintain for the port of Galveston, Tex., a customs boarding boat, reported the same with amendment, accompanied by a report (No. 7593); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 25578) amending an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," and for other purposes, reported the same without amendment, accompanied by a report (No. 7596); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLE, from the Committee on the Territories, to which was referred the bill of the Senate (S. 6261) to establish a fund for public works in the Territory of Hawaii, and for other purposes, reported the same without amendment, accompanied by a report (No. 7594); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21944) to amend section No. 2 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904; to restore to and confer upon certain persons the right to make entry under said act, and to amend existing law as to the sale of isolated tracts subject to entry under said act, reported the same with amendment, accompanied by a report (No. 7595); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 24134) providing for the granting and patenting to the State of Colorado, free of price, desert lands formerly in the Ute Indian Reservation in Colorado, reported the same with amendment, accompanied by a report (No. 7597); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 6691) granting to the Columbia Valley Railroad Company a right of way through Fort Columbia Military Reservation, at Scarborough Head, in the State of Washington, and through the United States quarantine station in section 17, township 9 north, range 9 west of Willamette meridian, in said State of Washington, and for other purposes, reported the same without amendment, accompanied by a report (No. 7601); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24605) granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va., reported the same without amendment, accompanied by a report (No. 7602); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R.

25234) permitting the building of a dam across Rock River at Lyndon, Ill., reported the same without amendment, accompanied by a report (No. 7598); which said bill and report were referred to the House Calendar.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25366) to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi, reported the same without amendment, accompanied by a report (No. 7599); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3863) to correct the military record of Stephen Thompson, reported the same without amendment, accompanied by a report (No. 7592); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7550) for the relief of Harry A. Young, reported the same without amendment, accompanied by a report (No. 7600); which said bill and report were referred to the Private Calendar.

## ADVERSE REPORT.

Under clause 2 of Rule XIII, adverse report was delivered to the Clerk, and laid on the table, as follows:

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2127) for the relief of James Nipper, reported the same adversely, accompanied by a report (No. 7591); which said bill and report were laid on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 25605) to establish the foundation for the promotion of industrial peace—to the Committee on Labor.

By Mr. WILLIAMS: A bill (H. R. 25606) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: A bill (H. R. 25607) to provide for additional allotments of land to certain Indians of the Cheyenne River Indian Agency, the Rosebud Indian Agency, the Pine Ridge Indian Agency, the Standing Rock Indian Agency, and the Crow Creek Indian Agency—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 25608) to authorize the sale and disposition of surplus or unallotted lands in Tripp County, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. KALANIANA'OLE: A bill (H. R. 25609) to amend the act approved June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof"—to the Committee on Foreign Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 25610) providing that white persons intermarried with Cherokee Indian citizens prior to July 1, 1902, shall receive pay for their improvements placed on Indian land in the Cherokee Nation, and for other purposes—to the Committee on Indian Affairs.

By Mr. HUGHES: A bill (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: A bill (H. R. 25612) to provide for the erection of a public building at Monongahela, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LORIMER: A bill (H. R. 25613) to construe section 1 of the act to regulate commerce—to the Committee on Interstate and Foreign Commerce

By Mr. McCARTHY: A bill (H. R. 25614) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims—to the Committee on Indian Affairs.

By Mr. MORRELL: A bill (H. R. 25615) changing Sixteenth street to Washington avenue—to the Committee on the District of Columbia.

By Mr. POU: A bill (H. R. 25616) fixing passenger charges of street railways operating in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAMAR: A bill (H. R. 25617) to prohibit lobbying at the national capital—to the Committee on the Judiciary.

By Mr. BURLESON: A joint resolution (H. J. Res. 237) amending an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. RANDELL of Texas: A resolution (H. Res. 829) requesting certain information from the President concerning tariff relations with Germany—to the Committee on Ways and Means.

By Mr. RYAN: A resolution (H. Res. 830) to provide for the voucher check system in payment of pensions—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A resolution (H. Res. 831) directing the Secretary of Commerce and Labor to send to the House certain information concerning railroad companies—to the Committee on Interstate and Foreign Commerce.

Also, a resolution (H. Res. 832) inquiring concerning the settlement of estates by consuls in Turkey and China—to the Committee on Foreign Affairs.

By Mr. FITZGERALD: A resolution (H. Res. 833) directing the Secretary of the Navy to furnish certain information regarding the U. S. S. *Louisiana* to the House of Representatives—to the Committee on Naval Affairs.

Also, a resolution (H. Res. 834) directing the Secretary of Commerce and Labor to furnish certain information to the House of Representatives—to the Committee on the Judiciary.

By Mr. MONDELL: A resolution (H. Res. 835) requesting the Secretary of the Interior to inform the House concerning certain public lands in several States of the Union—to the Committee on the Public Lands.

By Mr. COUSINS: A resolution (H. Res. 836) providing for an assistant clerk to the Committee on Foreign Affairs—to the Committee on Accounts.

By Mr. BURKE of South Dakota: Memorial of the legislature of South Dakota, requesting their delegation in Congress to support Senate bill 5133, concerning the hours of labor of railroad employees—to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY: Memorial of the legislature of Nebraska, concerning the law regulating the inspection of cattle and sheep, etc.—to the Committee on Agriculture.

Also, memorial of the legislature of Nebraska, in relation to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 25618) to correct the military record of William G. Cowan—to the Committee on Military Affairs.

By Mr. FASSETT: A bill (H. R. 25619) granting an increase of pension to Timothy Dempsey—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 25620) granting an increase of pension to Jacob B. Long—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25621) granting an increase of pension to Nelson R. Harrington—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 25622) granting an increase of pension to Christian A. Baldwin—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 25623) granting an increase of pension to Albert Hoffman—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 25624) granting an increase of pension to Samuel Guistwite—to the Committee on Invalid Pensions.

By Mr. McGAVIN: A bill (H. R. 25625) granting an increase of pension to Hobart Hamilton—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 25626) granting an increase

of pension to James Dulpher—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Chamber of Commerce and Board of Trade of San Juan, P. R., for dredging the harbor of San Juan—to the Committee on Rivers and Harbors.

Also, petition of various associations of citizens in Massachusetts, Connecticut, Pennsylvania, and West Virginia, against the Littlefield bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Division No. 565, Brotherhood of Locomotive Engineers (400 engineers), for the sixteen-hour bill (S. 5133)—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Pennsylvania, for increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Cairo Commercial Club, Board of Trade, and officials of the city of Cairo, for an appropriation of \$50,000,000 annually for waterways—to the Committee on Rivers and Harbors.

Also, petition of the National Wool Growers' Association, against forest reservations on land not already timbered—to the Committee on Agriculture.

Also, petition of the Pennsylvania State Grange, for an amendment to the free-alcohol law—to the Committee on Ways and Means.

Mr. ADAMSON: Petition of the International Association of Machinists, for a new foundry in the Naval Gun Factory—to the Committee on Naval Affairs.

By Mr. BARCHFELD: Petitions of citizens of Lancaster, Pa.; Belmont, Ohio; Pierce, N. Dak.; Lexington, S. C.; Waynesboro, Pa.; Corydon, Ind.; Dearborn, Ind.; Marquette, Mich.; Warsaw, N. Y.; Boston, Mass.; Wayne, Ill.; Chenung, N. Y.; Covington, La.; Morganfield, Ky.; Defiance, Ohio; Denver, Colo., and Jerseyville, Ill., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTLETT: Petition of A. D. Jones et al., of Macon, Ga., favoring enlarged powers for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of J. L. Evans, commander of Grand Army of the Republic Post No. 3, of Pittsburg, Pa., against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of E. G. Barie, of McKean, Pa., for bill H. R. 22134—to the Committee on Claims.

Also, petition of the Conneautville (Pa.) Methodist Episcopal Church, for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Typographical Union No. 77, of Erie, Pa., for the copyright bill (H. R. 19853)—to the Committee on Patents.

Also, petition of W. F. Hill, Pennsylvania State Grange, for an amendment to the free-alcohol bill—to the Committee on Agriculture.

By Mr. BIRDSALL: Petition of citizens of Iowa, for an amendment to the Constitution to suppress polygamy—to the Committee on the Judiciary.

Also, petition of Dubuque (Iowa) Typographical Union, No. 22, for the copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. BRUNDIDGE: Petition of F. W. Mullins et al., for reciprocal demurrage by railway companies—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Pennsylvania: Petition of the International Association of Machinists, for a new foundry in the Naval Gun Factory in Washington, D. C.—to the Committee on Naval Affairs.

Also, petition of the Ohio Valley Improvement Association, for improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

Also, petition of the Chicago Real Estate Board, for improvement of the Chicago River—to the Committee on Rivers and Harbors.

By Mr. DALE: Petition of the National Convention for the Extension of Foreign Commerce, for a dual tariff—to the Committee on Ways and Means.

Also, petition of the Public Educational Association of Philadelphia, for the child-labor bill—to the Committee on Labor.

Also, petition of Chicago Real Estate Board, for improvement



of all branches of the Chicago River—to the Committee on Rivers and Harbors.

Also, petition of the International Association of Machinists, for new foundry in the Naval Gun Factory—to the Committee on Naval Affairs.

Also, petition of the Illinois Manufacturers' Association, for a deep waterway from Chicago to St. Louis—to the Committee on Rivers and Harbors.

Also, petition of W. F. Hill, for Pennsylvania farmers, favoring an amendment to the free-alcohol law—to the Committee on Ways and Means.

Also, petition of the American Musical Copyright League, for bill H. R. 25133—to the Committee on Patents.

Also, petition of Division No. 276, Brotherhood of Locomotive Engineers (200 members), for the sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of James Peterson et al., citizens of Iowa, for increase of salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DUNWELL: Petition of the War Veterans' and Sons' Association, against abolition of pension agencies—to the Committee on Appropriations.

Also, petition of the National Wool Growers' Association, against forest reserves on land not already timbered—to the Committee on Agriculture.

Also, petition of New York Typographical Union, No. 6, for bills S. 6330 and H. R. 19853 (the copyright bills)—to the Committee on Patents.

Also, petition of the Chamber of Commerce of New York, for a post-office building in New York City—to the Committee on Public Buildings and Grounds.

Also, petition of the International Association of Machinists, for a new foundry in the Naval Gun Factory at Washington, D. C.—to the Committee on Naval Affairs.

Also, petition of the Chicago Real Estate Board, for general improvement of Chicago River—to the Committee on Rivers and Harbors.

By Mr. ELLIS: Petition of residents of Kansas City, in support of bill H. R. 23558 (reciprocal railway demurrage)—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of E. B. Wolcott Post, No. 1, Department of Wisconsin, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. FLOYD: Paper to accompany bill for relief of Oliver Shaw—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of McDonald Mead—to the Committee on Military Affairs.

By Mr. FULLER: Petition of George L. Cain, for the liability bill and Saturday half-holiday bill for Government employees—to the Committee on the Judiciary.

Also, petition of the Chicago Real Estate Board, for improvement of the Chicago River—to the Committee on Rivers and Harbors.

By Mr. GILHAMS: Petition of the Alliance of German Societies of Fort Wayne, Ind., against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. HASKINS: Petition of the Baptist Church of Grafton, Vt., for the Littlefield bill—to the Committee on the Judiciary.

By Mr. HAYES: Petition of the Japanese and Korean Exclusion League, for Japanese exclusion legislation—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of the National Board of Trade, in favor of bills S. 26 and H. R. 113—to the Committee on Interstate and Foreign Commerce.

By Mr. HIGGINS: Petition of the Lumber Dealers' Association, for the Appalachian and White Mountain reservation bill—to the Committee on Agriculture.

By Mr. HINSHAW: Petition of citizens of Nebraska, for repeal of the duty on lumber—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of the National Association of Letter Carriers, favoring the Crane bill relative to letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Lumber Dealers' Association of Connecticut, for forest reservations—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of William F. Johnson—to the Committee on Invalid Pensions.

Also, petition of the New Jersey State Federation of Women's Clubs, for forest reservations—to the Committee on Agriculture.

By Mr. HULL: Petition of the Corn Belt Meat Producers' Association, of Iowa, for an amendment to the free-alcohol law—to the Committee on Ways and Means.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of John Trimmer—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Paper to accompany bill for relief of Samuel Guistwite—to the Committee on Invalid Pensions.

Also, petition of York (Pa.) Typographical Union, No. 242, for the copyright bill (H. R. 19853)—to the Committee on Patents.

Also, petition of the Smith Lyrphone Company, of Hanover, Pa., for an amendment of paragraph G, section L, copyright law—to the Committee on Patents.

By Mr. LEE: Paper to accompany bill for relief of Mrs. Lena Wing—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the War Veterans and Sons' Association of Brooklyn, N. Y., against abolition of pension agencies—to the Committee on Appropriations.

By Mr. MADDEN: Petition of the National Convention for the Extension of Foreign Commerce of the United States, for adoption of maximum and minimum rates of tariff—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Chicago Real Estate Board, for improvement of the Chicago River—to the Committee on Rivers and Harbors.

Also, petition of the Moline Business Men's Association, for improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of the Chicago Grocers and Butchers' Association, favoring a postal savings bank system—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John C. Wiley—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of the Philadelphia Board of Trade, for the Merchant Marine Commission bill (S. 6291)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Joseph P. Candy et al., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Robert M. Nicholson—to the Committee on War Claims.

By Mr. REEDER: Petition of the National Irrigation Congress, favoring the work of the Reclamation Service—to the Committee on Irrigation of Arid Lands.

By Mr. REYBURN: Petition of the Philadelphia Board of Trade, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. RYAN: Petition of the Chamber of Commerce of New York, for a post-office building in New York City—to the Committee on the Post-Office and Post-Roads.

Also, petition of the county board of the Ancient Order of Hibernians of Erie County, N. Y., against the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SMITH of California: Petition of citizens of California, for enactment of a child-labor law—to the Committee on Labor.

By Mr. ZENOR: Paper to accompany bill for relief of Adam Meyer—to the Committee on Invalid Pensions.

## SENATE.

WEDNESDAY, February 13, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### AFFAIRS IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of a cablegram from the governor-general of the Philippine Islands submitting a telegram from the governor of the province of Occidental Negros requesting suspension of the Dingley tariff and also for the establishment of an agricultural bank in the Philippines; which was ordered to lie on the table and be printed.

### AGRICULTURAL BANK IN THE PHILIPPINES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a cablegram from the president of the Economic Association of the Philippines expressing appreciation over the approval of the passage of the bill for the establishment of an agricultural bank in the Philippines; which was ordered to lie on the table and be printed.